

# MEMORANDUM



## JOINT BUDGET COMMITTEE

TO Joint Budget Committee Members  
FROM JBC Staff  
DATE March 14, 2018  
SUBJECT JBC Bill Drafts and Memos

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This memo includes the following bill drafts for the Committees consideration.

- JBC Bill #9 – LLS 1104 “Concerning Support for Persons Interested in Transitioning from an Institutional setting, and in Connection Therewith, Making and Reducing Appropriations.” (Eric Kurtz)
- JBC Bill #11 – LLS 1105 “Concerning the All-payer Health Claims Database, and, in Connection Therewith, Making an Appropriation.” (Eric Kurtz)
- JBC Bill #24 – LLS 1116 “Concerning an Extension of the Transitional Jobs Program, and, in Connection Therewith, Making an Appropriation.” (Kevin Neimond)
- JBC Bill #16 – LLS 1006 “Concerning the use of Open Education Resources at Public Institutions of Higher Education, and, in Connection Therewith, Creating the Colorado Open Educational Resources Council, Creating a grant Program to Support the Creation and Use of Open Educational Resources, and Making an Appropriation.” (Amanda Bickel)
- JBC Bill #29 – LLS 1012 “Concerning a Veterans One-Stop Center in Grand Junction, and, in Connection Therewith, Making an Appropriation.” (Amanda Bickel)
- JBC Bill #46 – LLS 1067 “Concerning Increasing Access to Services for Individuals with Intellectual and Developmental Disabilities that are Provided by a Stable Workforce.” (Robin Smart)
- JBC Bill #60 – LLS 1088 “Concerning the Removal of Language that Prohibits Sectarian Secondary Schools from Applying for grants through the Tony Grampas Youth Services Program.” (Robin Smart)

Additionally, the Committee will be discussing the following bills from the Anytime Potential Bill List:

- Potential Bill #65 – Workers Compensation Cash Fund – Amanda Bickel
- Potential Bill #66 – Reorganize Division of Central Services – Scott Thompson
- Potential Bill #51 – Orphan Wells – Scott Thompson
- Potential Bill #45 – memo included “Transition from Part B of the Individuals with Disabilities Education Act to Adult Services for People with Intellectual and Developmental Disabilities) – Robin Smart
- Potential Bill #59 – memo included “SMART Act, Potential Legislation” – Robin Smart

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

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3.12.18

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LLS NO. 18-1104.01 Jerry Barry x4341

COMMITTEE BILL

Joint Budget Committee

**BILL TOPIC:** "Support For Transition From Institutional Settings"

**A BILL FOR AN ACT**

101 **CONCERNING SUPPORT FOR PERSONS INTERESTED IN TRANSITIONING**  
102 **FROM AN INSTITUTIONAL SETTING, AND IN CONNECTION**  
103 **THEREWITH, MAKING AND REDUCING APPROPRIATIONS.**

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)*

**Joint Budget Committee.** The bill directs the department of health care policy and financing (department) to provide community transition services and supports to persons who are in an institutional setting, who are eligible for medicaid, and who desire to transition to a home- or community-based setting (eligible persons). The services and

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

supports must be available to eligible persons who transitioned from an institutional setting for up to one year.

The bill requires the department to submit an annual report to specified committees of the general assembly on the effectiveness of providing the services and supports.

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*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, **add** part 15 to article 6 of title 25.5 as follows:

PART 15

TRANSITION SERVICES

**25.5-6-1501. Community transition services and supports - legislative declaration - rules.** (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(a) FEDERALLY REQUIRED ASSESSMENTS INDICATE THAT MORE PERSONS LIVING IN INSTITUTIONAL SETTINGS EXPRESSED AN INTEREST IN TRANSITIONING TO HOME- OR COMMUNITY-BASED SETTINGS THAN CURRENTLY HAVE TRANSITIONS AVAILABLE TO THEM;

(b) FEDERALLY REQUIRED SURVEYS INDICATE THE PERSONS REPORT A HIGHER QUALITY OF LIFE AFTER TRANSITIONING TO HOME- AND COMMUNITY-BASED SETTINGS, AND THOSE SUCCESSFUL TRANSITIONS OFTEN RESULT IN COST SAVINGS TO THE STATE;

(c) IN ORDER TO ENSURE A SUCCESSFUL TRANSITION, SUCH PERSONS WILL NEED ONGOING SERVICES AND SUPPORTS AFTER THE TRANSITION; AND

(d) SOME PERSONS TRANSITIONING OUT OF AN INSTITUTION WILL NEED ASSISTANCE WITH FINDING AND PAYING FOR HOUSING THAT MAY BE PROVIDED BY VOUCHERS FROM THE DEPARTMENT OF LOCAL AFFAIRS.

(2) (a) THE STATE DEPARTMENT SHALL IMPLEMENT COMMUNITY

1     TRANSITION SERVICES AND SUPPORTS THAT ALLOW ELIGIBLE PERSONS TO  
2     RECEIVE SERVICES TO SUPPORT A SUCCESSFUL TRANSITION FROM AN  
3     INSTITUTIONAL SETTING TO A HOME- OR COMMUNITY-BASED SETTING. THE  
4     STATE DEPARTMENT MAY SEEK ANY STATE PLAN AMENDMENTS OR  
5     FEDERAL WAIVERS OR WAIVER AMENDMENTS THAT MAY BE NECESSARY TO  
6     IMPLEMENT THIS PART 15.

7           (b)     WITH INPUT FROM CONSUMERS OF HOME- AND  
8     COMMUNITY-BASED SERVICES, THE STATE DEPARTMENT SHALL DESIGN  
9     AND IMPLEMENT COMMUNITY TRANSITION SERVICES AND SUPPORTS PRIOR  
10    TO TRANSITION AND FOR A PERIOD OF UP TO ONE YEAR AFTER TRANSITION.

11          (c)     AN ELIGIBLE PERSON IS NOT REQUIRED TO LEAVE AN  
12    INSTITUTIONAL SETTING IF, WHILE EXPLORING THE OPTION TO TRANSITION,  
13    THE PERSON DECIDES TO REMAIN IN THE PERSON'S CURRENT LIVING  
14    SITUATION. IF AN ELIGIBLE PERSON DOES TRANSITION, THE PERSON MAY  
15    CHOOSE BETWEEN STATE PLAN BENEFITS AND WAIVER SERVICES FOR  
16    WHICH THEY ARE ELIGIBLE TO ENSURE A SUCCESSFUL TRANSITION.

17          (3)     IN ORDER TO QUALIFY AND TO REMAIN ELIGIBLE FOR THE  
18    COMMUNITY TRANSITION SERVICES AND SUPPORTS AUTHORIZED BY THIS  
19    PART 15, A PERSON SHALL:

20           (a)     BE ELIGIBLE FOR HOME- AND COMMUNITY-BASED SERVICES  
21    UNDER PARTS 3 TO 12 OF THIS ARTICLE 6 OR ANY OTHER HOME- AND  
22    COMMUNITY-BASED SERVICE WAIVER FOR WHICH THE STATE DEPARTMENT  
23    HAS FEDERAL WAIVER AUTHORITY;

24           (b)     BE WILLING TO PARTICIPATE AND HAVE EXPRESSED AN  
25    INTEREST IN MOVING TO A HOME- OR COMMUNITY-BASED SETTING;

26           (c)     RESIDE IN A NURSING HOME OR OTHER INSTITUTIONAL SETTING;

27           (d)     OBTAIN MEDICAID ELIGIBILITY PRIOR TO DISCHARGING FROM

1 THE INSTITUTIONAL SETTING AND PRIOR TO ACCESSING COMMUNITY  
2 TRANSITION SERVICES NEEDED TO ASSIST THE PERSON WITH PLANNING AND  
3 PREPARING FOR THE TRANSITION;

4 (e) WORK WITH A CASE MANAGEMENT AGENCY TO DETERMINE  
5 AND ENROLL IN THE ADDITIONAL HOME- AND COMMUNITY-BASED  
6 SERVICES NEEDED FOR A SUCCESSFUL TRANSITION;

7 (f) TRANSITION TO A HOME-OR COMMUNITY-BASED SETTING THAT  
8 COMPLIES WITH FEDERAL AND STATE RULES; AND

9 (g) MEET ANY OTHER QUALIFICATIONS ESTABLISHED BY THE STATE  
10 BOARD BY RULE.

11 (4) THE SERVICES PROVIDED TO THE ELIGIBLE PERSON UNDER THIS  
12 PART 15 MUST BE BASED ON THE ELIGIBLE PERSON'S COMMUNITY LIVING  
13 GOALS, ASSESSED NEEDS, AND SUPPORT PLAN, OR ANY APPROVED  
14 RESOURCE ALLOCATION PROCESS AS DETERMINED BY THE STATE  
15 DEPARTMENT FOR THE ELIGIBLE PERSON.

16 (5) THE STATE DEPARTMENT SHALL DEVELOP THE  
17 ACCOUNTABILITY REQUIREMENTS NECESSARY TO SAFEGUARD THE USE OF  
18 PUBLIC DOLLARS, TO PROMOTE EFFECTIVE AND EFFICIENT DELIVERY OF  
19 SERVICES, AND TO MONITOR THE SAFETY AND WELFARE OF PERSONS  
20 RECEIVING SERVICES PURSUANT TO THIS PART 15.

21 (6) THE STATE BOARD SHALL ADOPT RULES AS NECESSARY FOR THE  
22 IMPLEMENTATION AND ADMINISTRATION OF THE COMMUNITY TRANSITION  
23 SERVICES AND SUPPORTS AUTHORIZED BY THIS PART 15.

24 (7) A PERSON WHO HAS BEEN DESIGNATED AS A LEGAL GUARDIAN  
25 OR HAS BEEN IDENTIFIED AS A LEGALLY RECOGNIZED DECISION-MAKER  
26 MUST BE INVOLVED IN THE DECISION-MAKING RELATED TO THE  
27 FEASIBILITY OF A TRANSITION TO A HOME-OR COMMUNITY-BASED SETTING

1 AND THE CHOICE OF SERVICES AND SUPPORTS THAT MAY BE NEEDED TO  
2 SUPPORT A SUCCESSFUL TRANSITION.

3 (8) NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136  
4 (11)(a)(I), ON OR BEFORE NOVEMBER 1, 2019, AND EACH NOVEMBER 1  
5 THEREAFTER, THE STATE DEPARTMENT SHALL SUBMIT AN ANNUAL REPORT  
6 TO THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE, THE  
7 PUBLIC HEALTH CARE & HUMAN SERVICES COMMITTEE OF THE HOUSE OF  
8 REPRESENTATIVES, AND THE JOINT BUDGET COMMITTEE, OR ANY  
9 SUCCESSOR COMMITTEES, ON THE EFFECTIVENESS OF PROVIDING THE  
10 SERVICES AND SUPPORTS REQUIRED BY THIS PART 15. THE REPORT MUST  
11 INCLUDE:

12 (a) AN EVALUATION OF THE COST-EFFECTIVENESS OF THE  
13 SERVICES; AND

14 (b) FOR EACH YEAR OF THE PROGRAM, THE NUMBER OF PERSONS  
15 WHO:

16 (I) REQUESTED SERVICES;

17 (II) RECEIVED SERVICES;

18 (III) TRANSITIONED FROM AN INSTITUTIONAL SETTING TO A HOME-  
19 OR COMMUNITY-BASED SETTING; AND

20 (IV) TRANSITIONED FROM AN INSTITUTIONAL SETTING BUT LATER  
21 RETURNED TO AN INSTITUTIONAL SETTING.

22 **SECTION 2.** In Colorado Revised Statutes, 25.5-6-303, **amend**  
23 the introductory portion; and **repeal** (21) as follows:

24 **25.5-6-303. Definitions.** As used in this part 3 and part 5 of this  
25 ~~article~~ ARTICLE 6, unless the context otherwise requires:

26 (21) ~~"Transition coordination service agency" means an agency~~  
27 ~~that is certified by the state department, as specified in rule by the state~~

1 ~~board, and provides independent living core services as defined in section~~  
2 ~~8-85-102 (6), C.R.S., and community transition services.~~

3 **SECTION 3.** In Colorado Revised Statutes, 25.5-6-307, **repeal**  
4 (1)(i) as follows:

5 **25.5-6-307. Services for the elderly, blind, and disabled.**

6 (1) Subject to the provisions of this part 3, home- and community-based  
7 services for the elderly, blind, and disabled include only the following  
8 services:

9 (i) ~~Community transition services not to exceed two thousand~~  
10 ~~dollars per eligible person, unless otherwise authorized by the state~~  
11 ~~department, which shall be administered by a transition coordination~~  
12 ~~service agency;~~

13 **SECTION 4. Appropriation. - adjustments to 2018 long bill.**

14 (1) To implement this act, the general fund appropriation made in the  
15 annual general appropriation act for the 2018-19 state fiscal year to the  
16 department of health care policy and financing for medical services  
17 premiums is decreased by \$692,248, which amount is subject to the "(M)"  
18 notation as defined in the annual general appropriation act for the same  
19 fiscal year.

20 (2) The decrease of the appropriations in subsection (1) of this  
21 section is based on the assumption that the anticipated amount of federal  
22 funds received for the 2018-19 state fiscal year by the department of  
23 health care policy and financing for medical services premiums will  
24 decrease by \$692,248.

25 (3) For the 2018-19 state fiscal year, \$215,190 is appropriated to  
26 the department of health care policy and financing. This appropriation is  
27 from the general fund. To implement this act, the department may use this

1 appropriation as follows:

2 (a) \$33,750 for the medicaid management information system  
3 maintenance and projects, which amount is subject to the "(M)" notation  
4 as defined in the annual general appropriation act for the same fiscal year;  
5 and

6 (b) \$181,440 for adult comprehensive services.

7 (4) For the 2018-19 state fiscal year, the general assembly  
8 anticipates that the department of health care policy and financing will  
9 receive \$485,190 in federal funds to implement this act. The  
10 appropriation in subsection (3) of this section is based on the assumption  
11 that the department will receive this amount of federal funds to be used  
12 as follows:

13 (a) \$33,750 for the medicaid management information system  
14 maintenance and projects; and

15 (b) \$181,440 for adult comprehensive services.

16 (5) For the 2018-19 state fiscal year, \$200,256 is appropriated to  
17 the department of local affairs for use by the division of housing. This  
18 appropriation is from the general fund. To implement this act, the  
19 department may use this appropriation for low income rental subsidies.

20 **SECTION 5. Effective date.** This act takes effect July 1, 2018.

21 **SECTION 6. Safety clause.** The general assembly hereby finds,  
22 determines, and declares that this act is necessary for the immediate  
23 preservation of the public peace, health, and safety.



Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

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3.12.18

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LLS NO. 18-1105.01 Jerry Barry x4341

COMMITTEE BILL

Joint Budget Committee

**BILL TOPIC:** "All-payer Health Claims Database"

**A BILL FOR AN ACT**

101 **CONCERNING THE ALL-PAYER HEALTH CLAIMS DATABASE, AND, IN**  
102 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)*

**Joint Budget Committee.** The bill authorizes the general assembly to appropriate general fund money to the department of health care policy and financing (department) to pay for expenses related to the all-payer health claims database (database).

The bill also establishes a grant program to assist nonprofit organizations and governmental entities, other than state agencies, in

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accessing the database to conduct research. The bill authorizes the advisory committee to oversee the all-payer health claims database to review grant applications and determine which grant applications to fund and the amount of each grant. The medical services board is authorized to adopt rules governing the grant program.

The bill appropriates money to the department to pay for the database and the grant program.

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*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, 25.5-1-204, **amend** (4) as follows:

**25.5-1-204. Advisory committee to oversee the all-payer health claims database - creation - members - duties - legislative declaration - rules.** (4) (a) The administrator shall seek funding for the creation of the all-payer health claims database and develop a plan for the financial stability of the database. If sufficient funding is received through gifts, grants, and donations on or before January 1, 2012, as determined by the executive director, the administrator shall, in consultation with the advisory committee, create the Colorado all-payer claims database. ~~The Colorado all-payer claims database shall be operational no later than January 1, 2013.~~

(b) THE GENERAL ASSEMBLY MAY ANNUALLY APPROPRIATE GENERAL FUND MONEY TO THE STATE DEPARTMENT TO PAY FOR EXPENSES RELATED TO THE ALL-PAYER HEALTH CLAIMS DATABASE.

**SECTION 2.** In Colorado Revised Statutes, **add** 25.5-1-204.5 as follows:

**25.5-1-204.5. All-payer health claims database scholarship grant program - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "ADVISORY COMMITTEE" MEANS THE ADVISORY COMMITTEE TO

1 OVERSEE THE ALL-PAYER HEALTH CLAIMS DATABASE CREATED PURSUANT  
2 TO SECTION 25.5-1-204.

3 (b) "GOVERNMENTAL ENTITY" INCLUDES A LOCAL GOVERNMENTAL  
4 ENTITY OR STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION, BUT  
5 DOES NOT INCLUDE A STATE DEPARTMENT.

6 (c) "PROGRAM" MEANS THE ALL-PAYER HEALTH CLAIMS DATABASE  
7 SCHOLARSHIP GRANT PROGRAM ESTABLISHED PURSUANT TO THIS SECTION.

8 (2) THERE IS CREATED IN THE STATE DEPARTMENT THE ALL-PAYER  
9 HEALTH CLAIMS DATABASE SCHOLARSHIP GRANT PROGRAM TO DEFRAY  
10 THE COSTS OF NONPROFIT AND GOVERNMENTAL ENTITIES IN ACCESSING  
11 THE ALL-PAYER HEALTH CLAIMS DATABASE TO CONDUCT RESEARCH.

12 (3) THE STATE DEPARTMENT SHALL:

13 (a) IN CONSULTATION WITH THE ADVISORY COMMITTEE, DEVELOP  
14 A GRANT APPLICATION UNDER THE PROGRAM CONSISTENT WITH RULES OF  
15 THE EXECUTIVE DIRECTOR;

16 (b) ACCEPT APPLICATIONS FOR SCHOLARSHIP GRANTS FROM ANY  
17 NONPROFIT OR GOVERNMENTAL ENTITY NEEDING ACCESS TO THE  
18 ALL-PAYER HEALTH CLAIMS DATABASE TO CONDUCT RESEARCH; AND

19 (c) DISTRIBUTE SCHOLARSHIP GRANTS TO NONPROFIT OR  
20 GOVERNMENTAL ENTITIES APPROVED BY THE ADVISORY COMMITTEE.

21 (4) THE EXECUTIVE DIRECTOR SHALL, FOLLOWING  
22 RECOMMENDATIONS OF THE STATE DEPARTMENT AND THE ADVISORY  
23 COMMITTEE, ADOPT RULES PURSUANT TO SECTION 24-4-103 GOVERNING  
24 THE PROGRAM, INCLUDING PROCEDURES, CRITERIA, AND STANDARDS FOR  
25 AWARDING SCHOLARSHIP GRANTS.

26 (5) THE ADVISORY COMMITTEE SHALL:

27 (a) CONSULT WITH THE STATE DEPARTMENT ON THE DEVELOPMENT

1 OF A GRANT APPLICATION FORM; AND

2 (b) REVIEW APPLICATIONS FOR SCHOLARSHIP GRANTS AND  
3 DETERMINE WHICH SCHOLARSHIP GRANTS TO AWARD AND THE AMOUNT OF  
4 EACH GRANT.

5 <{*Does the Committee want any reports back to the state department or*  
6 *the GA on the research funded in part by the scholarship?*>

7 **SECTION 3. Appropriation.** (1) For the 2018-19 state fiscal  
8 year, \$1,570,395 is appropriated to the department of health care policy  
9 and financing for use by the executive director's office. This appropriation  
10 is from the general fund. To implement this act, the office may use this  
11 appropriation as follows:

12 (a) \$42,616 for personal services, which amount is based on an  
13 assumption that the office will require an additional 0.9 FTE;

14 (b) \$2,779 for operating expenses; and

15 (c) \$1,525,000 for the all-payer health claims database.

16 (2) For the 2018-19 state fiscal year, the general assembly  
17 anticipates that the department of health care policy and financing will  
18 receive \$1,070,395 in federal funds to implement this act, which amount  
19 is included for informational purposes only. The appropriation in  
20 subsection (1) of this section is based on the assumption that the  
21 department will receive this amount of federal funds to be used as  
22 follows:

23 (a) \$42,616 for personal services;

24 (b) \$2,779 for operating expenses; and

25 (c) \$1,025,000 for the all-payer health claims database.

26 **SECTION 4. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.
- 3 <{*Safety clause?*}>

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

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3.12.18

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LLS NO. 18-1116.01 Jerry Barry x4341

COMMITTEE BILL

Joint Budget Committee

**BILL TOPIC: "Extend Transitional Jobs Program"**

**A BILL FOR AN ACT**

101 **CONCERNING AN EXTENSION OF THE TRANSITIONAL JOBS PROGRAM,**  
102 **AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)*

The transitional jobs program is currently set to end on June 30, 2019, and no new transitional jobs are to be offered after December 31, 2018. The bill strikes these dates to continue the program indefinitely and strikes the repeal of the program. The bill appropriates money to the department of human services for the program.

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 26-2-1103, **amend**

3 (1)(a) as follows:

4 **26-2-1103. Transitional jobs programs.** (1) The state  
5 department shall administer a transitional jobs program. The transitional  
6 jobs program must:

7 (a) Seek to offer the opportunity to work in transitional jobs to  
8 eligible individuals; ~~from July 1, 2013, through June 30, 2019; except that~~  
9 ~~no new transitional jobs shall be offered after December 31, 2018;~~

10 **SECTION 2.** In Colorado Revised Statutes, **repeal** 26-2-1104 as  
11 follows:

12 **26-2-1104. Repeal.** ~~This part 11 is repealed, effective July 1,~~  
13 ~~2022.~~

14 **SECTION 3. Appropriation.** For the 2018-19 state fiscal year,  
15 \$1,278,751 is appropriated to the department of human services for use  
16 by the office of self sufficiency. This appropriation is from the general  
17 fund and is based on an assumption that the office will require an  
18 additional 1.0 FTE. To implement this act, the office may use this  
19 appropriation for the transitional jobs program.

20 **SECTION 4. Safety clause.** The general assembly hereby finds,  
21 determines, and declares that this act is necessary for the immediate  
22 preservation of the public peace, health, and safety.

23 <{*Does the committee want a safety clause?*}>

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

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3.12.18

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LLS NO. 18-1006.01 Julie Pelegrin x2700

COMMITTEE BILL

Joint Budget Committee

**BILL TOPIC:** "Higher Ed Open Educational Resources"

**A BILL FOR AN ACT**

101     **CONCERNING EXPANDING THE USE OF OPEN EDUCATIONAL RESOURCES**  
102             **AT PUBLIC INSTITUTIONS OF HIGHER EDUCATION, AND, IN**  
103             **CONNECTION THEREWITH, CREATING THE COLORADO OPEN**  
104             **EDUCATIONAL RESOURCES COUNCIL, CREATING A GRANT**  
105             **PROGRAM TO SUPPORT THE CREATION AND USE OF OPEN**  
106             **EDUCATIONAL RESOURCES, AND MAKING AN APPROPRIATION.**

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)*

**Joint Budget Committee.** The bill creates the Colorado open

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Dashes through the words indicate deletions from existing statute.*



educational resources council (council) in the department of higher education (department). The council includes persons appointed by the executive director of the department from public institutions of higher education, including a student; the executive director of the department; the commissioner of education; and the state librarian.

The council is directed to:

- Recommend to the Colorado commission on higher education (commission) statewide policies for promoting the adaptation, creation, and use of open educational resources at public institutions of higher education across the state;
- Facilitate professional development and the sharing of knowledge regarding open educational resources for public institutions of higher education, faculty, staff, and students;
- Implement the open educational resources grant program (grant program) created in the bill; and
- Submit to the commission, the joint budget committee, and the education committees of the general assembly an annual report concerning the use of open educational resources in public institutions of higher education across the state.

The bill creates the grant program to provide grants to public institutions of higher education to develop the use of open educational resources at the institutions and grants to faculty and staff, individually or in groups, to create and adapt open educational resources. Each grant recipient must submit information to the council concerning its use of the grant and the effectiveness of the open educational resources initiative funded by the grant. The council must include a summary of the information received in the annual report.

The council and the grant program are repealed, effective November 1, 2021.

The bill directs the commission to adopt guidelines requiring public institutions of higher education, beginning in the fall of 2021, to inform students concerning those courses that use open educational resources.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 4.5 to title  
3 23 as follows:

4 **ARTICLE 4.5**

5 **Open Educational Resources**

1           **23-4.5-101. Legislative declaration.** (1) THE GENERAL  
2 ASSEMBLY FINDS THAT:

3           (a) STUDENT EXPENDITURES ON TEXTBOOKS AND OTHER  
4 EDUCATIONAL MATERIALS REPRESENT A SIGNIFICANT PORTION OF  
5 STUDENT EDUCATIONAL COSTS, ADDING UP TO, ON AVERAGE, AN  
6 ADDITIONAL TWENTY-TWO PERCENT ABOVE THE COST OF TUITION AND  
7 FEES FOR A FIRST-YEAR COMMUNITY COLLEGE STUDENT. RESEARCH  
8 CONCERNING THE USE OF OPEN EDUCATIONAL RESOURCES INDICATES THE  
9 USE OF THESE RESOURCES RESULTS IN SIGNIFICANT SAVINGS FOR  
10 STUDENTS.

11           (b) RESEARCH ALSO INDICATES THAT, BECAUSE OF THE COST OF  
12 TEXTBOOKS AND OTHER MATERIALS, STUDENTS OFTEN DO NOT BUY  
13 TEXTBOOKS OR COURSE MATERIALS, RESULTING IN POOR ACADEMIC  
14 PERFORMANCE, INCLUDING FAILING COURSE GRADES. OTHER STUDIES  
15 INDICATE THAT STUDENTS TAKE FEWER COURSES OR DROP COURSES  
16 BECAUSE OF THE COST OF TEXTBOOKS AND MATERIALS, EXTENDING THE  
17 TIME TO GRADUATION.

18           (c) SEVERAL INSTITUTIONS OF HIGHER EDUCATION ACROSS THE  
19 COUNTRY HAVE BEGUN PARTICIPATING IN OPEN EDUCATIONAL RESOURCES  
20 CONSORTIA THAT MAKE TEXTBOOKS, COURSE ACTIVITIES, AND READINGS  
21 AVAILABLE TO STUDENTS ONLINE FOR NO COST, RESULTING IN SIGNIFICANT  
22 STUDENT SAVINGS. STATES AND INSTITUTIONS ARE ALSO BEGINNING TO  
23 OFFER ENTIRE COURSES, SECTIONS, AND EVEN DEGREES THAT ARE  
24 BRANDED AS HAVING ZERO TEXTBOOK COSTS.

25           (2) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT IT IS  
26 APPROPRIATE TO ESTABLISH THE COLORADO OPEN EDUCATIONAL  
27 RESOURCES COUNCIL TO RECOMMEND STATEWIDE POLICIES CONCERNING

1 PROMOTING THE USE OF OPEN EDUCATIONAL RESOURCES, FACILITATE  
2 KNOWLEDGE SHARING AND PROFESSIONAL DEVELOPMENT TO INCREASE  
3 AND SUPPORT THE STATEWIDE USE OF OPEN EDUCATIONAL RESOURCES,  
4 AND IMPLEMENT A STATEWIDE GRANT PROGRAM FOR PUBLIC INSTITUTIONS  
5 OF HIGHER EDUCATION, FACULTY, AND STAFF TO CREATE AND EXPAND THE  
6 USE OF OPEN EDUCATIONAL RESOURCES.

7 **23-4.5-102. Definitions.** AS USED IN THIS ARTICLE 4.5, UNLESS  
8 THE CONTEXT OTHERWISE REQUIRES:

9 (1) "COMMISSION" MEANS THE COLORADO COMMISSION ON  
10 HIGHER EDUCATION CREATED IN SECTION 23-1-102.

11 (2) "COUNCIL" MEANS THE COLORADO OPEN EDUCATIONAL  
12 RESOURCES COUNCIL CREATED IN SECTION 23-4.5-103.

13 (3) "DEPARTMENT" MEANS THE DEPARTMENT OF HIGHER  
14 EDUCATION CREATED IN SECTION 24-1-114.

15 (4) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF  
16 THE DEPARTMENT OF HIGHER EDUCATION.

17 (5) "GRANT PROGRAM" MEANS THE OPEN EDUCATIONAL  
18 RESOURCES GRANT PROGRAM CREATED IN SECTION 23-4.5-104.

19 (6) "OPEN EDUCATIONAL RESOURCES" MEANS HIGH-QUALITY  
20 TEACHING, LEARNING, AND RESEARCH RESOURCES THAT RESIDE IN THE  
21 PUBLIC DOMAIN OR HAVE BEEN RELEASED UNDER AN INTELLECTUAL  
22 PROPERTY LICENSE THAT PERMITS FREE USE OR REPURPOSING BY OTHERS  
23 AND MAY INCLUDE OTHER RESOURCES THAT ARE LEGALLY AVAILABLE  
24 AND AVAILABLE TO STUDENTS FOR FREE OR VERY LOW COST. OPEN  
25 EDUCATIONAL RESOURCES MAY INCLUDE FULL COURSES, COURSE  
26 MATERIALS, MODULES, TEXTBOOKS, FACULTY-CREATED CONTENT,  
27 STREAMING VIDEOS, EXAMS, SOFTWARE, AND OTHER TOOLS, MATERIALS,

1 OR TECHNIQUES USED TO SUPPORT ACCESS TO KNOWLEDGE.

2 (7) "PUBLIC INSTITUTION OF HIGHER EDUCATION" MEANS THE  
3 STATE INSTITUTIONS OF HIGHER EDUCATION, AS DEFINED IN SECTION  
4 23-18-102 (10)(a), THE LOCAL DISTRICT COLLEGES, AND THE AREA  
5 TECHNICAL COLLEGES.

6 **23-4.5-103. Colorado open educational resources council -**  
7 **created - duties.** (1) THERE IS CREATED IN THE DEPARTMENT OF HIGHER  
8 EDUCATION THE COLORADO OPEN EDUCATIONAL RESOURCES COUNCIL,  
9 WHICH IS COMPRISED OF THE FOLLOWING MEMBERS:

10 (a) TWELVE PERSONS FROM PUBLIC INSTITUTIONS OF HIGHER  
11 EDUCATION APPOINTED BY THE EXECUTIVE DIRECTOR AS FOLLOWS:

12 (I) FIVE FACULTY MEMBERS;

13 (II) THREE LIBRARY PROFESSIONALS;

14 (III) ONE PERSON ENROLLED AS A STUDENT AT A PUBLIC  
15 INSTITUTION OF HIGHER EDUCATION;

16 (IV) ONE INSTRUCTIONAL DESIGN EXPERT;

17 (V) ONE INFORMATIONAL TECHNOLOGY EXPERT; AND

18 (VI) ONE ADMINISTRATOR;

19 (b) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT, OR HIS OR HER  
20 DESIGNEE;

21 (c) THE COMMISSIONER OF EDUCATION APPOINTED PURSUANT TO  
22 SECTION 1 (2) OF ARTICLE IX OF THE STATE CONSTITUTION, OR HIS OR HER  
23 DESIGNEE; AND

24 (d) THE PERSON EXECUTING THE DUTIES OF THE STATE LIBRARIAN,  
25 IF DIFFERENT FROM THE COMMISSIONER OF EDUCATION AS PROVIDED IN  
26 SECTION 24-90-104, OR HIS OR HER DESIGNEE.

27 (2) (a) THE TERM OF SERVICE FOR THE APPOINTED MEMBERS OF

1 THE COUNCIL IS THREE YEARS. THE EXECUTIVE DIRECTOR MAY APPOINT  
2 THE SAME PERSON TO SERVE MULTIPLE, CONSECUTIVE TERMS.

3 (b) THE EXECUTIVE DIRECTOR SHALL APPOINT THE MEMBERS OF  
4 THE COUNCIL BY JULY 1, 2018. IN APPOINTING THE MEMBERS OF THE  
5 COUNCIL, THE EXECUTIVE DIRECTOR SHALL ENSURE THAT THE COUNCIL  
6 INCLUDES AT LEAST THREE REPRESENTATIVES FROM TWO-YEAR PUBLIC  
7 INSTITUTIONS OF HIGHER EDUCATION AND AT LEAST THREE  
8 REPRESENTATIVES FROM FOUR-YEAR PUBLIC INSTITUTIONS OF HIGHER  
9 EDUCATION, INCLUDING RESEARCH UNIVERSITIES. TO THE EXTENT  
10 PRACTICABLE, THE EXECUTIVE DIRECTOR SHALL APPOINT PERSONS FROM  
11 AREAS THROUGHOUT THE STATE WHO ARE REPRESENTATIVE OF THE  
12 DEMOGRAPHICS OF THE STATE.

13 (3) THE EXECUTIVE DIRECTOR SHALL CONVENE THE FIRST MEETING  
14 OF THE COUNCIL NO LATER THAN AUGUST 1, 2018. AT THE FIRST MEETING  
15 AND ANNUALLY THEREAFTER, THE COUNCIL MEMBERS SHALL SELECT A  
16 MEMBER TO SERVE AS CHAIR OF THE COUNCIL AND A MEMBER TO SERVE AS  
17 VICE-CHAIR OF THE COUNCIL. THE COUNCIL SHALL MEET AS OFTEN AS  
18 NECESSARY AT THE CALL OF THE CHAIR TO COMPLETE ITS DUTIES.

19 (4) THE MEMBERS OF THE COUNCIL SERVE WITHOUT  
20 COMPENSATION BUT MAY BE REIMBURSED FOR REASONABLE AND  
21 NECESSARY EXPENSES INCURRED IN SERVING ON THE COUNCIL, AS  
22 DETERMINED BY THE DEPARTMENT. THE DEPARTMENT SHALL PROVIDE  
23 STAFF AND RESOURCES TO SUPPORT THE COUNCIL IN COMPLETING ITS  
24 DUTIES AND TO ASSIST THE PUBLIC INSTITUTIONS OF HIGHER EDUCATION  
25 THROUGHOUT THE STATE IN DEVELOPING AND EXPANDING THE USE OF  
26 OPEN EDUCATIONAL RESOURCES.

27 (5) THE COUNCIL HAS THE FOLLOWING DUTIES:

1 (a) TO RECOMMEND TO THE COMMISSION STATEWIDE POLICIES FOR  
2 PROMOTING ADAPTATION, CREATION, AND USE OF OPEN EDUCATIONAL  
3 RESOURCES AT PUBLIC INSTITUTIONS OF HIGHER EDUCATION ACROSS THE  
4 STATE;

5 (b) TO FACILITATE PROFESSIONAL DEVELOPMENT AND THE  
6 SHARING OF KNOWLEDGE CONCERNING CREATING AND USING OPEN  
7 EDUCATIONAL RESOURCES FOR PUBLIC INSTITUTIONS OF HIGHER  
8 EDUCATION, FACULTY, STAFF, AND STUDENTS, WHICH MAY INCLUDE:

9 (I) DEVELOPING INFORMATIONAL MATERIALS ABOUT OPEN  
10 EDUCATIONAL RESOURCES TO DISTRIBUTE TO PUBLIC INSTITUTIONS OF  
11 HIGHER EDUCATION ACROSS THE STATE FOR USE AND ADAPTATION AS  
12 APPROPRIATE;

13 (II) CREATING AND MAINTAINING A WEBSITE TO LINK TO THE  
14 MATERIALS THAT THE COUNCIL DEVELOPS, OTHER OPEN EDUCATIONAL  
15 RESOURCES, AND ANY EXISTING INSTITUTIONAL OPEN EDUCATIONAL  
16 RESOURCES DATABASES; AND

17 (III) CONVENING REGULAR MEETINGS, WHICH MAY INCLUDE  
18 CONVENING OPEN EDUCATIONAL RESOURCES INTEREST GROUPS TO SHARE  
19 INFORMATION AND IDEAS, INCLUDING THROUGH MEETINGS, WORKSHOPS,  
20 CONFERENCES, WEBINARS, AND AN ANNUAL OPEN EDUCATIONAL  
21 RESOURCES CONFERENCE FOR HIGHER EDUCATION FACULTY,  
22 INSTRUCTIONAL DESIGNERS, LIBRARIANS, CAMPUS ADMINISTRATORS,  
23 SECONDARY EDUCATORS WHO TEACH CONCURRENT ENROLLMENT  
24 COURSES, AND OTHER RELEVANT STAFF;

25 (c) TO IMPLEMENT THE OPEN EDUCATIONAL RESOURCES GRANT  
26 PROGRAM CREATED IN SECTION 23-4.5-104 AND ENSURE THAT FACULTY  
27 AND STUDENTS AT PUBLIC INSTITUTIONS OF HIGHER EDUCATION ACROSS

1 THE STATE CAN EASILY IDENTIFY AND ACCESS THE OPEN EDUCATIONAL  
2 RESOURCES DEVELOPED USING GRANT MONEY;

3 (d) TO ADVISE THE DEPARTMENT CONCERNING ALLOCATION OF  
4 THE MONEY APPROPRIATED FOR THE PURPOSES OF THIS ARTICLE 4.5 TO PAY  
5 THE COSTS OF THE GRANT PROGRAM, CONVENING INTEREST GROUPS, AND  
6 PROVIDING STAFF SUPPORT; AND

7 (e) TO PREPARE AND SUBMIT AN ANNUAL REPORT CONCERNING  
8 THE USE OF OPEN EDUCATIONAL RESOURCES AT THE PUBLIC INSTITUTIONS  
9 OF HIGHER EDUCATION IN THE STATE, AS DESCRIBED IN SECTION  
10 23-4.5-105.

11 (6) THE GENERAL ASSEMBLY MAY ANNUALLY APPROPRIATE TO THE  
12 DEPARTMENT SUCH AMOUNT AS IT DEEMS APPROPRIATE FOR THE PURPOSES  
13 SPECIFIED IN THIS ARTICLE 4.5, INCLUDING THE GRANT PROGRAM. ANY  
14 UNEXPENDED AND UNENCUMBERED MONEY FROM AN APPROPRIATION  
15 MADE FOR THE PURPOSES OF THIS ARTICLE 4.5 REMAINS AVAILABLE FOR  
16 EXPENDITURE BY THE DEPARTMENT FOR THE PURPOSES OF THIS ARTICLE  
17 4.5 IN THE NEXT FISCAL YEAR WITHOUT FURTHER APPROPRIATION.

18 **23-4.5-104. Open educational resources grant program -**  
19 **created - report.** (1) THERE IS CREATED IN THE DEPARTMENT OF HIGHER  
20 EDUCATION THE OPEN EDUCATIONAL RESOURCES GRANT PROGRAM TO  
21 PROVIDE FUNDING FOR PUBLIC INSTITUTIONS OF HIGHER EDUCATION,  
22 FACULTY, AND STAFF TO CREATE AND EXPAND THE USE OF OPEN  
23 EDUCATIONAL RESOURCES ACROSS INSTITUTIONS AROUND THE STATE. THE  
24 GRANT PROGRAM CONSISTS OF GRANTS TO:

25 (a) PUBLIC INSTITUTIONS OF HIGHER EDUCATION TO SUPPORT  
26 CREATING, ADAPTING, AND PROMOTING THE USE OF OPEN EDUCATIONAL  
27 RESOURCES AT THE INSTITUTION OR ON A CAMPUS; AND

1 (b) FACULTY AND STAFF OF PUBLIC INSTITUTIONS OF HIGHER  
2 EDUCATION, INDIVIDUALLY OR IN SMALL GROUPS, TO SUPPORT THE  
3 CREATING, ADAPTING, AND PROMOTING OF OPEN EDUCATIONAL  
4 RESOURCES.

5 (2) (a) THE COUNCIL, WORKING WITH THE DEPARTMENT, SHALL  
6 DEVELOP TIMELINES AND PROCEDURES BY WHICH PUBLIC INSTITUTIONS OF  
7 HIGHER EDUCATION, FACULTY, AND STAFF MAY APPLY FOR A GRANT,  
8 INCLUDING THE INFORMATION THAT MUST BE INCLUDED IN AN  
9 APPLICATION AND THE DEADLINES FOR SUBMITTING APPLICATIONS.

10 (b) AN APPLICATION FOR AN INSTITUTIONAL GRANT MAY INCLUDE:

11 (I) EVIDENCE OF THE EXISTENCE OF AN OPEN EDUCATIONAL  
12 RESOURCES COUNCIL OR COMMITTEE AT THE APPLYING INSTITUTION OR  
13 CAMPUS;

14 (II) IDENTIFICATION OF LIBRARY, INSTRUCTIONAL DESIGN, AND  
15 ADMINISTRATIVE STAFFING TO SUPPORT THE OPEN EDUCATIONAL  
16 RESOURCES INITIATIVE FOR WHICH A GRANT IS REQUESTED;

17 (III) THE MANNER IN WHICH THE COURSES THAT USE OPEN  
18 EDUCATIONAL RESOURCES WILL BE IDENTIFIED FOR STUDENTS PRIOR TO  
19 THE TIME OF COURSE REGISTRATION, WHICH MAY INCLUDE IDENTIFICATION  
20 IN THE SCHEDULE OF CLASSES.

21 (IV) A PLAN FOR EXPANDING THE ADOPTION OF OPEN  
22 EDUCATIONAL RESOURCES ACROSS THE CAMPUS OR INSTITUTION THAT  
23 RECEIVES THE GRANT, WHICH MAY INCLUDE AWARDED GRANTS TO  
24 FACULTY MEMBERS, REDUCING A FACULTY MEMBER'S REQUIRED TEACHING  
25 HOURS, OR PROVIDING OTHER INCENTIVES TO FACULTY FOR ADAPTING AND  
26 DEVELOPING OPEN EDUCATIONAL RESOURCES;

27 (V) THE MANNER IN WHICH THE GRANT RECIPIENT WILL EVALUATE



1 THE SUCCESS OF THE OPEN EDUCATIONAL RESOURCES INITIATIVE; AND

2 (VI) A PLAN FOR AND COMMITMENT TO SUSTAINING THE OPEN  
3 EDUCATIONAL RESOURCES INITIATIVE AFTER THE GRANT IS COMPLETED.

4 (c) AN APPLICATION FOR A FACULTY OR STAFF GRANT, WHETHER  
5 INDIVIDUAL OR SMALL GROUP, MAY INCLUDE:

6 (I) INFORMATION CONCERNING THE TEXTBOOKS AND OTHER  
7 MATERIALS IN USE AT THE TIME THE GRANT IS RECEIVED, THE COSTS OF  
8 THE TEXTBOOKS AND MATERIALS, AND HOW THE APPLICANT EXPECTS TO  
9 USE THE GRANT MONEY TO ADAPT OR DEVELOP OPEN EDUCATIONAL  
10 RESOURCES TO REPLACE THE TEXTBOOKS AND OTHER MATERIALS;

11 (II) THE MANNER IN WHICH THE GRANT RECIPIENTS WILL  
12 EVALUATE THE USE OF THE OPEN EDUCATIONAL RESOURCES DEVELOPED  
13 USING THE GRANT, INCLUDING THE NUMBER OF STUDENTS WHO ARE  
14 AFFECTED AND THE RETURN ON INVESTMENT; AND

15 (III) THE PLAN FOR ENSURING THAT OPEN EDUCATIONAL  
16 RESOURCES THAT ARE ADAPTED OR DEVELOPED USING THE GRANT MONEY  
17 ARE PUBLICIZED AND MADE AVAILABLE TO OTHER FACULTY AND  
18 STUDENTS WITHIN THE PUBLIC INSTITUTION OF HIGHER EDUCATION AND  
19 OTHER PUBLIC INSTITUTIONS OF HIGHER EDUCATION.

20 (3) (a) THE COUNCIL SHALL REVIEW THE GRANT APPLICATIONS  
21 RECEIVED AND RECOMMEND TO THE COMMISSION APPLICANTS TO WHICH  
22 THE COMMISSION MAY CHOOSE TO AWARD GRANTS AND THE AMOUNT OF  
23 EACH GRANT. SUBJECT TO AVAILABLE APPROPRIATIONS, THE COMMISSION  
24 SHALL AWARD GRANTS THROUGH THE GRANT PROGRAM. THE COMMISSION  
25 SHALL TAKE INTO ACCOUNT, BUT IS NOT BOUND BY, THE  
26 RECOMMENDATIONS OF THE COUNCIL. IN MAKING RECOMMENDATIONS  
27 AND AWARDING GRANTS, THE COUNCIL AND THE COMMISSION SHALL

1       CONSIDER WHETHER THE APPLICATION:

2               (I) AFFECTS COURSES WITH HIGH STUDENT ENROLLMENT OR HIGH  
3       TEXTBOOK OR MATERIALS COSTS;

4               (II) AFFECTS HIGH-IMPACT COURSES SUCH AS THE CORE COURSES  
5       DESCRIBED IN SECTION 23-1-125 (3) OR COURSES INCLUDED IN  
6       CONCURRENT ENROLLMENT AGREEMENTS ENTERED INTO PURSUANT TO  
7       ARTICLE 35 OF TITLE 22; AND

8               (III)   SUPPORTS ADAPTATION OR DEVELOPMENT OF OPEN  
9       EDUCATIONAL RESOURCES BY TEAMS OF FACULTY, LIBRARIANS, AND  
10      INSTRUCTIONAL DESIGNERS WITHIN A PUBLIC INSTITUTION OF HIGHER  
11      EDUCATION OR ACROSS MULTIPLE INSTITUTIONS, MAKING IT MORE LIKELY  
12      THAT THE RESOURCES WILL BE USED IN MULTIPLE COURSES OR SECTIONS.

13              (b)   THE COMMISSION SHALL ADOPT GUIDELINES TO ADDRESS  
14      POTENTIAL CONFLICTS OF INTEREST FOR MEMBERS OF THE COUNCIL THAT  
15      MAY ARISE IN RECOMMENDING APPLICANTS TO RECEIVE GRANTS.

16              (4)   EACH GRANT RECIPIENT, AS A CONDITION OF RECEIVING THE  
17      GRANT, MUST:

18              (a)   SUBMIT TO THE COUNCIL DATA CONCERNING THE NUMBER OF  
19      STUDENTS AFFECTED BY OPEN EDUCATIONAL RESOURCES DEVELOPED OR  
20      ADAPTED USING THE GRANT, THE ESTIMATED AMOUNT OF STUDENT  
21      SAVINGS THAT RESULTS FROM USING THE OPEN EDUCATIONAL RESOURCES,  
22      AND MEASURES OF THE EFFECTIVENESS OF THE GRANT PROJECT;

23              (b)   AGREE TO OPENLY LICENSE AND SHARE, UNDER THE BROADEST  
24      POSSIBLE LICENSE, ANY OPEN EDUCATIONAL RESOURCES DEVELOPED OR  
25      ADAPTED USING THE GRANT;

26              (c)   AGREE TO COMPLY WITH THE GUIDELINES AND PARAMETERS  
27      ADOPTED BY THE COUNCIL PURSUANT TO SUBSECTION (6) OF THIS SECTION

1 FOR IMPLEMENTING THE GRANTS;

2 (d) POST NEW OR ADAPTED OPEN EDUCATIONAL RESOURCES TO AN  
3 OPEN REPOSITORY IN EDITABLE FILE FORMATS OR WITH SOURCE CODE; AND

4 (e) COMPLY WITH THE FEDERAL "AMERICANS WITH DISABILITIES  
5 ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ., AS AMENDED, TO ENABLE  
6 PERSONS WITH DISABILITIES TO ACCESS THE OPEN EDUCATIONAL  
7 RESOURCES DEVELOPED OR ADAPTED USING THE GRANT.

8 (5) THE COUNCIL SHALL SUMMARIZE THE INFORMATION RECEIVED  
9 FROM GRANT RECIPIENTS AS DESCRIBED IN SUBSECTION (4)(a) OF THIS  
10 SECTION AND INCLUDE THE SUMMARIZED INFORMATION IN THE ANNUAL  
11 REPORT REQUIRED IN SECTION 23-4.5-105.

12 (6) THE COUNCIL SHALL ADOPT GUIDELINES AND PARAMETERS BY  
13 WHICH GRANT RECIPIENTS MUST IMPLEMENT THE GRANT-FUNDED OPEN  
14 EDUCATIONAL RESOURCES INITIATIVES TO ENSURE THAT THE IMPACT ON  
15 STUDENTS OF THE INITIATIVES MAY BE CONSISTENTLY MEASURED AND  
16 COMPARED ACROSS PUBLIC INSTITUTIONS OF HIGHER EDUCATION.

17 **23-4.5-105. Council report.** (1) NOTWITHSTANDING THE  
18 PROVISIONS OF SECTION 24-1-136 (11)(a)(I), ON OR BEFORE OCTOBER 1,  
19 2019, AND ON OR BEFORE OCTOBER 1 EACH YEAR THEREAFTER, THE  
20 COUNCIL SHALL PREPARE AND SUBMIT TO THE COMMISSION, THE JOINT  
21 BUDGET COMMITTEE, AND THE EDUCATION COMMITTEES OF THE SENATE  
22 AND THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES,  
23 A REPORT CONCERNING IMPLEMENTATION AND DEVELOPMENT OF OPEN  
24 EDUCATIONAL RESOURCES AROUND THE STATE. THE PUBLIC INSTITUTIONS  
25 OF HIGHER EDUCATION SHALL COLLABORATE WITH THE COUNCIL IN  
26 PROVIDING THE INFORMATION NECESSARY FOR THE REPORT. AT A  
27 MINIMUM, THE REPORT MUST INCLUDE:

1 (a) THE DEGREE TO WHICH ALL PUBLIC INSTITUTIONS OF HIGHER  
2 EDUCATION ARE ADOPTING OPEN EDUCATIONAL RESOURCES SUPPORT  
3 PROGRAMS AND ENSURING UNIVERSAL AWARENESS OF OPEN EDUCATIONAL  
4 RESOURCES AMONG FACULTY AND STUDENTS;

5 (b) THE NUMBER AND PERCENTAGE OF THE COURSES OFFERED BY  
6 THE PUBLIC INSTITUTIONS OF HIGHER EDUCATION THAT USE OPEN  
7 EDUCATIONAL RESOURCES AS THE PRIMARY RESOURCES FOR THE COURSE;

8 (c) THE OPEN EDUCATIONAL RESOURCES CREATED AND SHARED BY  
9 GRANT RECIPIENTS;

10 (d) THE NUMBER OF OPEN EDUCATIONAL RESOURCES REVISED AND  
11 ADOPTED BY GRANT RECIPIENTS;

12 (e) FOR PUBLIC INSTITUTIONS OF HIGHER EDUCATION THAT  
13 RECEIVE A GRANT OR THAT EMPLOY FACULTY OR STAFF THAT RECEIVE A  
14 GRANT, THE COURSE ENROLLMENT, COMPLETION, AND PASS RATES FOR  
15 COURSES THAT USE OPEN EDUCATIONAL RESOURCES COMPARED TO  
16 COURSES THAT DO NOT USE THESE RESOURCES; AND

17 (f) THE SUMMARIZED INFORMATION CONCERNING  
18 IMPLEMENTATION OF THE GRANT PROGRAM AS DESCRIBED IN SECTION  
19 23-4.5-104 (4)(a) AND (5).

20 **23-4.5-106. Repeal of article.** THIS ARTICLE 4.5 IS REPEALED,  
21 EFFECTIVE NOVEMBER 1, 2021.

22 **SECTION 2.** In Colorado Revised Statutes, **repeal and reenact,**  
23 **with amendments,** 23-1-134 as follows:

24 **23-1-134. Commission directive - open educational resources**  
25 **- course notice - definition.** (1) THE COMMISSION SHALL ADOPT  
26 GUIDELINES TO REQUIRE PUBLIC INSTITUTIONS OF HIGHER EDUCATION TO  
27 ENSURE THAT, BEGINNING IN THE FALL OF 2021, STUDENTS ARE INFORMED

1 PRIOR TO COURSE REGISTRATION CONCERNING WHICH COURSES AND  
2 SECTIONS USE OPEN EDUCATIONAL RESOURCES OR OTHER LOW-COST  
3 MATERIALS.

4 (2) AS USED IN THIS SECTION, "PUBLIC INSTITUTION OF HIGHER  
5 EDUCATION" HAS THE SAME MEANING AS PROVIDED IN SECTION  
6 23-4.5-102. <{***Does the Committee want to include this section?***}>

7 **SECTION 3. Appropriation.** For the 2018-19 state fiscal year,  
8 \$660,000 is appropriated to the department of higher education. This  
9 appropriation is from the general fund and is based on an assumption that  
10 the department will require an additional 1.0 FTE. To implement this act,  
11 the department may use this appropriation for the open educational  
12 resources initiatives described in article 4.5 of title 23, C.R.S.

13 **SECTION 4. Safety clause.** The general assembly hereby finds,  
14 determines, and declares that this act is necessary for the immediate  
15 preservation of the public peace, health, and safety.

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

DRAFT  
3.13.18

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LLS NO. 18-1012.02 Richard Sweetman x4333

COMMITTEE BILL

Joint Budget Committee

**BILL TOPIC:** "Veterans One-stop Center In Grand Junction"

**A BILL FOR AN ACT**

101 CONCERNING A VETERANS ONE-STOP CENTER **IN GRAND JUNCTION,**  
102 **AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**  
103 **<{This title will need to be broadened if Section 2 of this draft**  
104 **is included in the introduced bill.}>**

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)*

**Joint Budget Committee.** The bill provides that on and after November 1, 2018, the division of veterans affairs in the department of military and veterans affairs may operate a veterans one-stop center in

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

Grand Junction for the purpose of providing a central and accessible location where veterans, service members, and their family members in the western portion of the state may have access to assistance and resources.

The veterans one-stop center in Grand Junction is repealed, effective September 1, 2023. Before its repeal, the department of regulatory agencies shall review the veterans one-stop center.

The bill provides that, subject to available appropriation, the department of military and veterans affairs may establish and administer a grant program to support other veterans one-stop centers in the state.

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*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, **add** 28-5-713 as follows:

**28-5-713. Grand Junction veterans one-stop center - definitions - advisory board - fund - repeal.** (1) (a) ON AND AFTER NOVEMBER 1, 2018, THE DIVISION OF VETERANS AFFAIRS MAY OPERATE A VETERANS ONE-STOP CENTER IN GRAND JUNCTION FOR THE PURPOSE OF PROVIDING A CENTRAL AND ACCESSIBLE LOCATION WHERE VETERANS, SERVICE MEMBERS, AND THEIR FAMILY MEMBERS IN THE WESTERN PORTION OF THE STATE MAY HAVE ACCESS TO ASSISTANCE AND RESOURCES. THE DIVISION SHALL OPERATE THE VETERANS ONE-STOP CENTER SUBJECT TO AVAILABLE APPROPRIATIONS FROM THE GENERAL ASSEMBLY. THE DIVISION MAY STAFF THE VETERANS ONE-STOP CENTER WITH EMPLOYEES OF THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS, OR THE DIVISION MAY CONTRACT WITH ONE OR MORE PRIVATE VENDORS FOR THE MANAGEMENT OF THE FACILITY.

(b) SUBJECT TO AVAILABLE APPROPRIATION TO THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS FOR THE ONE-STOP VETERANS CENTER, THE DEPARTMENT, AS A FUNCTION OF THE ONE-STOP VETERANS CENTER, MAY PROVIDE IDENTIFICATION CARDS TO ELIGIBLE MILITARY

1 MEMBERS, RETIREES, AND THEIR FAMILY MEMBERS, WHICH  
2 IDENTIFICATION CARDS ARE ISSUED BY THE UNITED STATES DEPARTMENT  
3 OF DEFENSE.

4 (c) AS USED IN THIS SECTION, "VETERANS ONE-STOP CENTER"  
5 MEANS A FACILITY WHERE GOVERNMENT AGENCIES, NONPROFIT AND  
6 ADVOCACY ORGANIZATIONS, AND OTHER ORGANIZATIONS COLLABORATE  
7 TO OFFER SERVICES FOR VETERANS AND THEIR FAMILIES IN A CONVENIENT  
8 CENTRAL LOCATION. SERVICES OFFERED AT A ONE-STOP VETERANS  
9 CENTER MAY INCLUDE, BUT ARE NOT LIMITED TO, ASSISTANCE FOR  
10 VETERANS IN SECURING FEDERAL BENEFITS, COUNSELING SERVICES,  
11 EMPLOYMENT SUPPORT, EDUCATION, LIFE SKILLS, AND WELLNESS  
12 SUPPORT. THE INTERIOR SPACES OF A VETERANS ONE-STOP CENTER MAY  
13 INCLUDE CONFERENCE ROOMS, CLASSROOMS, AND AREAS FOR SOCIAL  
14 INTERACTION.

15 (2) ON OR BEFORE NOVEMBER 1, 2018, THE DIVISION OF VETERANS  
16 AFFAIRS SHALL ESTABLISH AN ADVISORY BOARD APPOINTED BY THE  
17 ADJUTANT GENERAL OR HIS OR DESIGNEE THAT INCLUDES:

18 (a) A PERSON REPRESENTING ONE OR MORE NONPROFIT  
19 ORGANIZATIONS IN THE GRAND JUNCTION AREA;

20 (b) A COUNTY VETERANS SERVICE OFFICER FROM THE WESTERN  
21 PORTION OF THE STATE;

22 (c) A VETERAN FROM THE WESTERN PORTION OF THE STATE; AND

23 (d) A FAMILY MEMBER OF A VETERAN FROM THE WESTERN  
24 PORTION OF THE STATE.

25 (3) THE DIVISION, IN CONSULTATION WITH THE ADVISORY BOARD  
26 ESTABLISHED PURSUANT TO SUBSECTION (2) OF THIS SECTION, SHALL  
27 DEVELOP PROCEDURES FOR EVALUATING THE EFFECTIVENESS OF THE



1 VETERANS ONE-STOP CENTER. THE DIVISION SHALL PROVIDE THE  
2 PROCEDURES AND THE ANNUAL RESULTS OF THE PROCEDURES TO:

3 (a) THE BOARD OF VETERANS AFFAIRS; AND

4 (b) THE GENERAL ASSEMBLY AS PART OF THE ANNUAL REPORT OF  
5 THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS BEFORE THE  
6 HOUSE AND SENATE COMMITTEES OF REFERENCE PURSUANT TO SECTION  
7 2-7-203.

8 (4) (a) (I) THE VETERANS ONE-STOP CENTER CASH FUND,  
9 REFERRED TO IN THIS SECTION AS THE "FUND", IS CREATED IN THE STATE  
10 TREASURY. THE FUND CONSISTS OF MONEY GENERATED FROM THE PUBLIC  
11 OR PRIVATE USE OF THE VETERANS ONE-STOP CENTER, MONEY RECEIVED  
12 BY THE DIVISION AS LEASE PAYMENTS FOR THE FORMER GRAND JUNCTION  
13 NATIONAL GUARD ARMORY, AND ANY OTHER MONEY THAT THE GENERAL  
14 ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.

15 (II) AS USED IN THIS SUBSECTION (4), THE "PUBLIC OR PRIVATE USE  
16 OF THE VETERANS ONE-STOP CENTER" INCLUDES, BUT IS NOT LIMITED TO,  
17 RENT COLLECTED FROM TENANTS, RENTAL OF PROPERTY, OR PORTIONS  
18 THEREOF.

19 (b) THE STATE TREASURER SHALL INVEST THE MONEY IN THE FUND  
20 AS DESCRIBED IN SECTIONS 24-36-109, 24-36-112, AND 24-36-113. THE  
21 STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED  
22 FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE  
23 FUND.

24 (c) ANY UNEXPENDED AND UNENCUMBERED MONEY REMAINING  
25 IN THE FUND AT THE END OF A FISCAL YEAR REMAINS IN THE FUND AND  
26 MAY NOT BE TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

27 (d) SUBJECT TO AVAILABLE APPROPRIATION, THE DEPARTMENT

1 MAY USE THE MONEY IN THE FUND TO PAY THE COSTS OF OPERATING THE  
2 VETERANS ONE-STOP CENTER, WHICH COSTS MAY INCLUDE, BUT ARE NOT  
3 LIMITED TO, REPAIR AND REPLACEMENT AT THE VETERANS ONE-STOP  
4 CENTER AND SALARIES INVOLVED IN THE OPERATION, MAINTENANCE,  
5 REPAIR, AND DEVELOPMENT OF THE VETERANS ONE-STOP CENTER.

6 (e) THE DIVISION MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS,  
7 AND DONATIONS OF ANY KIND FROM ANY PUBLIC OR PRIVATE SOURCE FOR  
8 THE PURPOSE OF OPERATING THE VETERANS ONE-STOP CENTER; EXCEPT  
9 THAT THE DIVISION SHALL NOT ACCEPT A GIFT, GRANT, OR DONATION IF  
10 ANY CONDITIONS ATTACHED THERETO ARE CONTRADICTORY TO LAW OR  
11 REQUIRE EXPENDITURES FROM THE GENERAL FUND THAT HAVE NOT BEEN  
12 APPROVED BY THE GENERAL ASSEMBLY.

13 (f) THE STATE TREASURER SHALL TRANSFER ALL UNEXPENDED  
14 AND UNENCUMBERED MONEY IN THE FUND ON SEPTEMBER 1, 2023, TO THE  
15 COLORADO STATE VETERANS TRUST FUND CREATED IN SECTION 28-5-709.

16 (5) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2023.  
17 BEFORE ITS REPEAL, THE DEPARTMENT OF REGULATORY AGENCIES SHALL  
18 REVIEW THE VETERANS ONE-STOP CENTER OPERATED BY THE DIVISION  
19 PURSUANT TO THIS SECTION IN ACCORDANCE WITH SECTION 24-34-104.

20 **SECTION 2.** In Colorado Revised Statutes, **add** 28-5-714 as  
21 follows:

22 **28-5-714. Veterans one-stop centers - grant program - rules -**  
23 **reports.** (1) SUBJECT TO AVAILABLE APPROPRIATION, THE DIVISION MAY  
24 ESTABLISH AND ADMINISTER A GRANT PROGRAM TO SUPPORT OTHER  
25 VETERANS ONE-STOP CENTERS IN THE STATE.

26 (2) A RECIPIENT OF A GRANT PURSUANT TO THIS SECTION MAY USE  
27 THE MONEY RECEIVED THROUGH THE GRANT PROGRAM TO SUPPORT

1 PROGRAMS AND SERVICES FOR VETERANS THAT ARE PROVIDED THROUGH  
2 A VETERANS ONE-STOP CENTER, AS DEFINED IN SECTION 28-5-713 (1)(c).

3 (3) THE DIVISION SHALL ADMINISTER ANY GRANT PROGRAM  
4 CREATED PURSUANT TO THIS SECTION, AND, SUBJECT TO AVAILABLE  
5 APPROPRIATIONS, SHALL AWARD GRANTS TO NONPROFIT VETERANS  
6 ORGANIZATIONS THAT MEET CRITERIA ADOPTED BY THE BOARD AND THAT  
7 ARE SELECTED BY THE BOARD AS GRANT RECIPIENTS, AS DESCRIBED IN  
8 SECTION 28-5-709 (1)(b)(IV). SUBJECT TO AVAILABLE APPROPRIATIONS,  
9 GRANTS SHALL BE PAID OUT OF:

10 (a) THE COLORADO STATE VETERANS TRUST FUND CREATED IN  
11 SECTION 28-5-709; OR

12 (b) ANY GENERAL FUND MONEY THAT THE GENERAL ASSEMBLY  
13 MAY APPROPRIATE TO THE DEPARTMENT OF MILITARY AND VETERANS  
14 AFFAIRS FOR THE PURPOSES OF THIS SECTION.

15 (4) PURSUANT TO ARTICLE 4 OF TITLE 24, THE DEPARTMENT OF  
16 MILITARY AND VETERANS AFFAIRS SHALL PROMULGATE SUCH RULES AS  
17 ARE REQUIRED BY THIS SECTION AND SUCH ADDITIONAL RULES AS MAY BE  
18 NECESSARY TO IMPLEMENT THE GRANT PROGRAM. AT A MINIMUM, THE  
19 RULES MUST SPECIFY THE TIME FRAMES FOR APPLYING FOR GRANTS, THE  
20 FORM OF THE GRANT PROGRAM APPLICATION, AND THE TIME FRAMES FOR  
21 DISTRIBUTING GRANT MONEY.

22 (5) (a) ON OR BEFORE NOVEMBER 1, 2020, AND ON OR BEFORE  
23 NOVEMBER 1 EACH YEAR THEREAFTER, EACH ENTITY THAT RECEIVES A  
24 GRANT THROUGH THE GRANT PROGRAM SHALL SUBMIT A REPORT TO THE  
25 DIVISION. AT A MINIMUM, THE REPORT MUST INCLUDE THE FOLLOWING  
26 INFORMATION:

27 (I)

1 (II)

2 (. . .)

3 (b) ON OR BEFORE JANUARY 1, 2021, AND ON OR BEFORE JANUARY  
4 1 EACH YEAR THEREAFTER FOR THE DURATION OF THE GRANT PROGRAM,  
5 THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS SHALL PREPARE  
6 A REPORT DESCRIBING THE ACTIVITIES OF THE GRANT PROGRAM DURING  
7 THE PRECEDING YEAR, INCLUDING A SUMMARY OF EACH REPORT RECEIVED  
8 PURSUANT TO SUBSECTION (5)(a) OF THIS SECTION. THE DEPARTMENT  
9 SHALL INCLUDE THE REPORT IN ITS ANNUAL PRESENTATION TO THE  
10 COMMITTEES OF REFERENCE PURSUANT TO SECTION 2-3-703.

11 (6) <{*Repeal date with a sunset review?*}>

12 <{*Does JBC want this provision (above)?*}>

13 **SECTION 3.** In Colorado Revised Statutes, 24-34-104, **add**  
14 (24)(a)(V) as follows:

15 **24-34-104. General assembly review of regulatory agencies**  
16 **and functions for repeal, continuation, or reestablishment - legislative**  
17 **declaration - repeal.** (24) (a) The following agencies, functions, or both,  
18 are scheduled for repeal on September 1, 2023:

19 (V) THE GRAND JUNCTION VETERANS ONE-STOP CENTER  
20 ESTABLISHED PURSUANT TO SECTION 28-5-713.

21 **SECTION 4. Appropriation.** For the 2018-19 state fiscal year,  
22 \$133,118 is appropriated to the department of military and veterans  
23 affairs for use by the division of veterans affairs. This appropriation is  
24 from the general fund and is based on an assumption that the division will  
25 require an additional 1.2 FTE. To implement this act, the division may  
26 use this appropriation for the Grand Junction veterans one-stop center.

27 **SECTION 5. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.

# MEMORANDUM



## JOINT BUDGET COMMITTEE

TO Members of the Joint Budget Committee  
FROM Robin J. Smart, JBC Staff (303-866-4955)  
DATE March 14, 2018  
SUBJECT Fiscal Impact of LLS 18-1067 Concerning increasing access to services for individuals with intellectual and developmental disabilities that are provided by a stable workforce

---

The Department of Health Care Policy and Financing has provided the attached table detailing the fiscal impact of LLS 18-1067. This attachment includes a breakdown of the FY 2018-19 appropriation that would be required should the Joint Budget Committee elect to sponsor the bill. It also includes the FY 2019-20 and FY 2020-21 annualizations.

Table 1.1 Summary by Initiative FY 2018-19							
Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	Source/Calculation
Cost of Rate Increase for Current Clients on HCBS-DD, HCBS-SLS, HCBS-CES Waiver and TCM	\$31,771,254	0.0	\$15,885,627	\$0	\$0	\$15,885,627	Table 2.1 Row A
Cost of 300 Additional HCBS-DD Clients at Increased Rate	\$9,508,192	0.0	\$4,754,096	\$0	\$0	\$4,754,096	Table 2.1 Row B
Cost of Additional Emergency Enrollments through Aging Caregiver Criteria	\$0	0.0	\$0	\$0	\$0	\$0	Table 2.1 Row C
Contractor to Assist in Creation of Audit Procedure	\$75,000	0.0	\$37,500	\$0	\$0	\$37,500	Table 3.3 Row A
Modification of Provider Portal and creation of BIDM pass through	\$431,000	0.0	\$107,750	\$0	\$0	\$323,250	Table 3.1 Row F + Table 3.2 Row D
Auditing and Wait List Management Staff	\$192,799	2.7	\$96,400	\$0	\$0	\$96,399	Funding for one staff to manage the waiting List and for two staff to oversee new auditing procedure
<b>Total</b>	<b>\$41,978,245</b>	<b>2.7</b>	<b>\$20,881,373</b>	<b>\$0</b>	<b>\$0</b>	<b>\$21,096,872</b>	<b>Total</b>

Table 1.2 Summary by Initiative FY 2019-20							
Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	Source/Calculation
Cost of Rate Increase for Current Clients on HCBS-DD, HCBS-SLS, HCBS-CES Waiver and TCM	\$36,529,281	0.0	\$18,264,641	\$0	\$0	\$18,264,640	Table 2.1 Row A
Cost of 300 Additional HCBS-DD Clients at Increased Rate	\$19,103,916	0.0	\$9,551,958	\$0	\$0	\$9,551,958	Table 2.1 Row B
Modification of Provider Portal and creation of BIDM pass through	\$3,309,814	0.0	\$1,654,908	\$0	\$0	\$1,654,906	Table 2.1 Row C
Auditing and Wait List Management Staff	\$194,985	3.0	\$97,493	\$0	\$0	\$97,492	Funding for one staff to manage the waiting List and for two staff to oversee new auditing procedure
<b>Total</b>	<b>\$59,137,996</b>	<b>3.0</b>	<b>\$29,569,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$29,568,996</b>	<b>Total</b>

Table 1.3 Summary by Initiative FY 2020-21							
Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	Source/Calculation
Cost of Rate Increase for Current Clients on HCBS-DD, HCBS-SLS, HCBS-CES Waiver and TCM	\$38,504,362	0.0	\$19,252,181	\$0	\$0	\$19,252,181	Table 2.1 Row A
Cost of 300 Additional HCBS-DD Clients at Increased Rate	\$19,103,916	0.0	\$9,551,958	\$0	\$0	\$9,551,958	Table 2.1 Row B
Modification of Provider Portal and creation of BIDM pass through	\$3,610,706	0.0	\$1,805,354	\$0	\$0	\$1,805,352	Table 2.1 Row C
Auditing and Wait List Management Staff	\$194,985	3.0	\$97,493	\$0	\$0	\$97,492	Funding for one staff to manage the waiting List and for two staff to oversee new auditing procedure
<b>Total</b>	<b>\$61,413,969</b>	<b>3.0</b>	<b>\$30,706,986</b>	<b>\$0</b>	<b>\$0</b>	<b>\$30,706,983</b>	<b>Total</b>

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

DRAFT  
3.12.18

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LLS NO. 18-1067.01 Brita Darling x2241

COMMITTEE BILL

Joint Budget Committee

**BILL TOPIC:** "Access To Disability Services And Stable Workforce"

**A BILL FOR AN ACT**

101      **CONCERNING INCREASING ACCESS TO SERVICES FOR INDIVIDUALS**  
102                      **WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES THAT**  
103                      **ARE PROVIDED BY A STABLE WORKFORCE.**

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)*

**Joint Budget Committee.** For the 2018-19 state fiscal year, the bill increases the reimbursement rate for all services delivered through the home- and community-based services intellectual and developmental disabilities, supported living services, and children's extensive supports waivers by 6.5%.

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*



Service agencies shall use 100% of the increased funding resulting from the increase in the reimbursement rate for compensation, as defined in the bill, for direct support professionals, as defined in the bill.

The bill requires service agencies to document the use of the increased funding for compensation using a reporting tool developed by the department of health care policy and financing (department) and the service agencies. The department has access to the supporting documentation and may determine that a service agency is not using the increased funding as required.

If the department determines that a service agency does not use 100% of the increased funding resulting from the increase in the reimbursement rate for compensation for direct support professionals, the service agency may take action within a specific time frame to contest the determination or submit a corrective action plan to the department.

The department shall recoup from the service agency the amount of funding resulting from the reimbursement rate increase that is not used for compensation for direct support professionals.

Once sufficient data is available to assess the impact and outcomes of the reimbursement rate increase on individuals with intellectual and developmental disabilities, the department shall include the impact and outcome data, including staff stability survey data, in its annual report to the general assembly concerning the waiting list for intellectual and developmental disability services.

The bill requires the general assembly to appropriate funding for 300 nonemergency enrollments from the waiting list for the home- and community-based services developmental disabilities waiver. Persons on the waiting list with an intellectual and developmental disability who are at risk of experiencing a life emergency due to circumstances specified in the bill and who meet criteria for reserve capacity enrollment established by the medical services board (board) shall be offered enrollment.

The board shall promulgate rules establishing the criteria for reserve capacity enrollments, and the department shall include in a monthly report the number of persons who were moved off the developmental disabilities waiting list.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 hereby finds that:

4 (a) Thousands of Coloradans with intellectual and developmental  
5 disabilities spend years and even decades waiting for comprehensive

1 services provided by the home- and community-based services for  
2 developmental disabilities (HCBS-DD) waiver;

3 (b) Reducing and eliminating the waiting list for HCBS-DD  
4 waiver services is a longstanding goal of the general assembly and the  
5 intellectual and developmental disability community;

6 (c) Many individuals on the waiting list for HCBS-DD waiver  
7 services must experience a crisis before being offered services on an  
8 emergency basis, creating undue hardship and strain on the individual, his  
9 or her caregivers, and the service system;

10 (d) In order to best serve these individuals and others receiving  
11 waiver services, Colorado must have a stable direct support workforce;

12 (e) Colorado and the nation are experiencing a shortage of direct  
13 support professionals who provide support to individuals with intellectual  
14 and developmental disabilities in the community; and

15 (f) A stable direct support workforce is critical to ensuring  
16 continuity of support and positive outcomes for individuals with  
17 intellectual and developmental disabilities.

18 (2) Therefore, the general assembly declares that a significant  
19 investment is needed to ensure a stable workforce and access to services  
20 for Coloradans with intellectual and developmental disabilities.

21 **SECTION 2.** In Colorado Revised Statutes, **amend** 25.5-6-406  
22 as follows:

23 **25.5-6-406. Appropriations - reimbursement for services -**  
24 **direct support professionals - legislative declaration - definitions.**

25 (1) To carry out duties and obligations pursuant to this part 4 and for the  
26 administration and provision of services to eligible ~~persons~~ INDIVIDUALS,  
27 all medicaid funds appropriated pursuant to Title XIX of the federal

1 "Social Security Act", as amended, for the provision of care for persons  
2 INDIVIDUALS with developmental disabilities and all other funds  
3 otherwise appropriated by the general assembly as additional sources of  
4 program funding ~~shall be~~ ARE available for the placement of eligible  
5 individuals either in intermediate care facilities for individuals with  
6 intellectual disabilities or alternatives to such placements.

7 (2) (a) (I) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

8 (A) COLORADO'S SYSTEM OF HOME- AND COMMUNITY-BASED  
9 SERVICES THAT SUPPORTS COLORADANS WITH INTELLECTUAL AND  
10 DEVELOPMENTAL DISABILITIES HAS GROWN TO SERVE MORE THAN TWELVE  
11 THOUSAND INDIVIDUALS AND THEIR FAMILIES;

12 (B) COSTS ASSOCIATED WITH PROVIDING THESE SERVICES  
13 CONTINUE TO RISE WITH GROWTH IN DEMAND, INFLATION, INCREASED  
14 REGULATION, RISING MINIMUM WAGES, RISING HEALTH CARE COSTS, AND  
15 OTHER ECONOMIC FACTORS;

16 (C) REIMBURSEMENT RATES HAVE NOT KEPT PACE WITH THESE  
17 RISING COSTS, RESULTING IN REDUCED ACCESS TO SERVICES FOR  
18 COLORADANS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES;

19 (D) COLORADO NEEDS SIGNIFICANT INITIAL INVESTMENTS TO  
20 ADDRESS THE MOST URGENT ISSUES CONCERNING SERVICES FOR  
21 INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES, AS  
22 WELL AS FUTURE LONG-TERM PLANNING TO ADDRESS THE GROWING  
23 STRAIN ON THE SYSTEM;

24 (E) ONE OF THE MOST URGENT ISSUES IS THE WORKFORCE CRISIS  
25 AMONG DIRECT SUPPORT PROFESSIONALS, CHARACTERIZED BY  
26 CHRONICALLY LOW WAGES, LIMITED BENEFITS, AND LACK OF CAREER  
27 ADVANCEMENT OPPORTUNITIES FOR THESE CRITICAL WORKERS;

1 (F) COLORADO IS EXPERIENCING A WORKFORCE CRISIS AMONG  
2 DIRECT SUPPORT PROFESSIONALS BECAUSE REIMBURSEMENT RATES  
3 CANNOT SUPPORT THE COMPENSATION NEEDED TO MATCH THE HIGH LEVEL  
4 OF RESPONSIBILITY REQUIRED IN THESE JOBS;

5 (G) AGENCIES THAT SERVE PEOPLE WITH INTELLECTUAL AND  
6 DEVELOPMENTAL DISABILITIES INCREASINGLY STRUGGLE TO RECRUIT AND  
7 RETAIN DIRECT SUPPORT PROFESSIONALS TO MEET THE DEMAND FOR  
8 SERVICES; AND

9 (H) HIGH TURNOVER AMONG DIRECT SUPPORT PROFESSIONALS  
10 RESULTS IN REDUCED CONTINUITY OF SERVICES FOR INDIVIDUALS WITH  
11 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES.

12 (II) THEREFORE, AS AN INITIAL INVESTMENT, COLORADO'S  
13 REIMBURSEMENT RATES SHOULD BE INCREASED TO ALLOW FOR DIRECT  
14 SUPPORT PROFESSIONAL COMPENSATION THAT BETTER REFLECTS MARKET  
15 REALITIES AND THE HIGH LEVEL OF RESPONSIBILITY REQUIRED IN THESE  
16 JOBS.

17 (b) AS USED IN THIS SUBSECTION (2), UNLESS THE CONTEXT  
18 OTHERWISE REQUIRES:

19 (I) "COMPENSATION" MEANS ANY FORM OF MONETARY PAYMENT,  
20 INCLUDING BONUSES, EMPLOYER-PAID HEALTH AND OTHER INSURANCE  
21 PROGRAMS, PAID TIME OFF, PAYROLL TAXES, AND ALL OTHER FIXED AND  
22 VARIABLE BENEFITS CONFERRED ON OR RECEIVED BY A DIRECT SUPPORT  
23 PROFESSIONAL.

24 (II) "DIRECT SUPPORT PROFESSIONAL" MEANS A WORKER WHO  
25 ASSISTS OR SUPERVISES A WORKER TO ASSIST AN INDIVIDUAL WITH  
26 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES TO LEAD A FULFILLING  
27 LIFE IN THE COMMUNITY THROUGH A DIVERSE RANGE OF SERVICES,

1 INCLUDING HELPING THE INDIVIDUAL GET READY IN THE MORNING, TAKE  
2 MEDICATION, GO TO WORK OR FIND WORK, AND PARTICIPATE IN SOCIAL  
3 ACTIVITIES; DEVELOPING A SERVICE PLAN; LOCATING AND MONITORING  
4 SERVICES; AND FACILITATING ENROLLMENT AND COORDINATION WITH  
5 OTHER SERVICES. "DIRECT SUPPORT PROFESSIONAL" INCLUDES ALL  
6 WORKERS CATEGORIZED AS PROGRAM DIRECT SUPPORT PROFESSIONALS  
7 AND EXCLUDES WORKERS CATEGORIZED AS ADMINISTRATIVE, AS DEFINED  
8 IN STANDARDS ESTABLISHED BY THE FINANCIAL ACCOUNTING STANDARDS  
9 BOARD.

10 (c) FOR THE STATE FISCAL YEAR BEGINNING JULY 1, 2018, THE  
11 REIMBURSEMENT RATE FOR ALL SERVICES DELIVERED THROUGH THE  
12 HOME- AND COMMUNITY-BASED SERVICES FOR PERSONS WITH  
13 DEVELOPMENTAL DISABILITIES, SUPPORTED LIVING SERVICES, AND  
14 CHILDREN'S EXTENSIVE SUPPORTS WAIVERS, INCLUDING TARGETED CASE  
15 MANAGEMENT, SHALL INCREASE BY SIX AND ONE-HALF PERCENT.

16 (d) A SERVICE AGENCY SHALL USE ONE HUNDRED PERCENT OF THE  
17 FUNDING RESULTING FROM THE INCREASE IN THE REIMBURSEMENT RATE  
18 PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION TO INCREASE  
19 COMPENSATION FOR DIRECT SUPPORT PROFESSIONALS. A SERVICE AGENCY  
20 SHALL NOT USE FUNDING RESULTING FROM THE REIMBURSEMENT RATE  
21 INCREASE FOR GENERAL AND ADMINISTRATIVE EXPENSES, SUCH AS CHIEF  
22 EXECUTIVE OFFICER SALARIES, HUMAN RESOURCES, INFORMATION  
23 TECHNOLOGY, OVERSIGHT, BUSINESS MANAGEMENT, GENERAL  
24 RECORD-KEEPING, BUDGETING AND FINANCE, AND OTHER ACTIVITIES NOT  
25 IDENTIFIABLE TO A SINGLE PROGRAM.

26 (e) (I) A SERVICE AGENCY SHALL TRACK AND REPORT HOW IT USED  
27 THE FUNDING RESULTING FROM THE INCREASE IN THE REIMBURSEMENT

1 RATE PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION USING A  
2 REPORTING TOOL DEVELOPED BY THE STATE DEPARTMENT IN  
3 COLLABORATION WITH SERVICE AGENCIES. ON OR BEFORE DECEMBER 31,  
4 2019, SERVICE AGENCIES SHALL SUBMIT THE REPORT TO THE STATE  
5 DEPARTMENT.

6 (II) SERVICE AGENCIES SHALL MAINTAIN ALL BOOKS, DOCUMENTS,  
7 PAPERS, ACCOUNTING RECORDS, AND OTHER EVIDENCE REQUIRED TO  
8 SUPPORT THE REPORTING OF PAYROLL INFORMATION FOR INCREASED  
9 COMPENSATION TO DIRECT SUPPORT PROFESSIONALS PURSUANT TO  
10 SUBSECTION (2)(e)(I) OF THIS SECTION FOR AT LEAST THREE YEARS FROM  
11 THE DATE OF REIMBURSEMENT FOR THE SERVICES INCLUDED IN THE  
12 REPORT. SERVICE AGENCIES SHALL MAKE THE INFORMATION AND  
13 MATERIALS AVAILABLE FOR INSPECTION BY THE STATE DEPARTMENT OR  
14 ITS DESIGNEES AT ALL REASONABLE TIMES.

15 (f) IF A SERVICE AGENCY DOES NOT USE ONE HUNDRED PERCENT OF  
16 THE FUNDING RESULTING FROM THE INCREASE IN THE REIMBURSEMENT  
17 RATE PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION TO INCREASE  
18 COMPENSATION FOR DIRECT SUPPORT PROFESSIONALS, THE STATE  
19 DEPARTMENT MAY RECOUP PART OR ALL OF THE FUNDING RESULTING  
20 FROM THE INCREASE IN THE REIMBURSEMENT RATE AS PROVIDED IN  
21 SUBSECTIONS (2)(g) TO (2)(j) OF THIS SECTION.

22 (g) IF THE STATE DEPARTMENT DETERMINES THAT THE SERVICE  
23 AGENCY DID NOT USE THE FUNDING RESULTING FROM THE INCREASE IN THE  
24 REIMBURSEMENT RATE PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION  
25 AS REQUIRED, THE STATE DEPARTMENT SHALL NOTIFY THE SERVICE  
26 AGENCY IN WRITING OF THE STATE DEPARTMENT'S DETERMINATION.

27 (h) THE SERVICE AGENCY HAS FORTY-FIVE DAYS AFTER RECEIVING

1 NOTICE OF THE DETERMINATION UNDER SUBSECTION (2)(g) OF THIS  
2 SECTION TO:

3 (I) CHALLENGE THE DETERMINATION OF THE STATE DEPARTMENT;

4 (II) PROVIDE ADDITIONAL INFORMATION TO THE STATE  
5 DEPARTMENT DEMONSTRATING COMPLIANCE; OR

6 (III) SUBMIT A PLAN OF CORRECTION TO THE STATE DEPARTMENT.

7 (i) THE STATE DEPARTMENT SHALL NOTIFY THE SERVICE AGENCY  
8 IN WRITING OF ITS FINAL DETERMINATION AFTER AFFORDING THE SERVICE  
9 AGENCY THE OPPORTUNITY TO TAKE THE ACTIONS SPECIFIED IN  
10 SUBSECTION (2)(h) OF THIS SECTION.

11 (j) THE STATE DEPARTMENT SHALL RECOUP FROM A SERVICE  
12 AGENCY ONE HUNDRED PERCENT OF THE FUNDING RESULTING FROM THE  
13 INCREASE IN THE REIMBURSEMENT RATE PURSUANT TO SUBSECTION (2)(c)  
14 OF THIS SECTION THAT THE SERVICE AGENCY RECEIVED BUT DID NOT USE  
15 FOR COMPENSATION FOR DIRECT SUPPORT PROFESSIONALS IF:

16 (I) THE SERVICE AGENCY FAILS TO RESPOND TO A NOTICE OF  
17 DETERMINATION OF THE STATE DEPARTMENT WITHIN THE TIME PROVIDED  
18 IN SUBSECTION (2)(h) OF THIS SECTION;

19 (II) THE SERVICE AGENCY IS UNABLE TO PROVIDE  
20 DOCUMENTATION OF COMPLIANCE; OR

21 (III) THE STATE DEPARTMENT DOES NOT ACCEPT THE PLAN OF  
22 CORRECTION SUBMITTED BY THE SERVICE AGENCY PURSUANT TO  
23 SUBSECTION (2)(h) OF THIS SECTION.

24 (k) THE STATE DEPARTMENT SHALL PARTICIPATE IN THE NATIONAL  
25 CORE INDICATORS STAFF STABILITY SURVEY.

26 (l) ONCE THE STATE DEPARTMENT DETERMINES THAT A SUFFICIENT  
27 QUANTITY AND QUALITY OF DATA EXISTS TO DETERMINE THE IMPACT AND

1 OUTCOMES, IF ANY, ATTRIBUTED TO THE INCREASE IN THE  
2 REIMBURSEMENT RATE PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION  
3 ON INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES,  
4 THE STATE DEPARTMENT SHALL INCLUDE IN ITS ANNUAL REPORT  
5 CONCERNING THE WAITING LIST FOR SERVICES AND SUPPORTS FOR  
6 INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES,  
7 REQUIRED PURSUANT TO SECTION 25.5-10-207.5, INFORMATION FROM THE  
8 NATIONAL CORE INDICATORS DATA, OR ANOTHER COMPARABLE SOURCE,  
9 CONCERNING IN WHAT WAYS OUTCOMES FOR INDIVIDUALS WITH  
10 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES CHANGED AS A RESULT  
11 OF THE INCREASE IN REIMBURSEMENT RATES PURSUANT TO SUBSECTION  
12 (2)(c) OF THIS SECTION. THE REPORT MUST INCLUDE, IF AVAILABLE,  
13 MULTIYEAR PERSONAL OUTCOME DATA SPECIFIC TO COLORADO AND  
14 COMPARISONS TO OTHER STATES, AS APPROPRIATE, AS WELL AS DATA  
15 FROM THE NATIONAL CORE INDICATORS STAFF STABILITY SURVEY.

16 **SECTION 3.** In Colorado Revised Statutes, 25.5-10-207.5,  
17 **amend** (1)(a)(IV); and **add** (1)(a)(VI), (1)(a)(VII), (1)(a)(VIII), (6), (7),  
18 and (8) as follows:

19 **25.5-10-207.5. Strategic plan for services and supports - joint**  
20 **hearing - appropriation - reporting - legislative declaration - rules.**

21 (1) (a) The general assembly finds that:

22 (IV) The presence of a waiting list as long as fifteen years for  
23 essential services and supports contradicts Colorado's commitment to  
24 supporting persons in the least restrictive environment of their choosing;  
25 ~~and~~

26 (VI) THE WAITING LIST INCLUDES PERSONS WITH INTELLECTUAL  
27 AND DEVELOPMENTAL DISABILITIES WHO ARE AT RISK OF EXPERIENCING



1 A CRISIS DUE TO THE ADVANCED AGE, REDUCED CAPACITY, AND ILLNESS  
2 OF THEIR CAREGIVERS;

3 (VII) AFTER A LIFETIME OF PROVIDING CONTINUOUS SUPPORT,  
4 THESE CAREGIVERS DESERVE THE COMFORT OF KNOWING THAT THEIR  
5 LOVED ONE WILL HAVE NEEDED SERVICES AND SUPPORTS; AND

6 (VIII) PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL  
7 DISABILITIES AND THEIR CAREGIVERS SHOULD NOT HAVE TO EXPERIENCE  
8 A CRISIS BEFORE GETTING NEEDED ASSISTANCE, AS EACH CRISIS PUTS  
9 UNDUE HARDSHIP AND STRAIN ON THE INDIVIDUAL AND CAREGIVER, AND  
10 THE SERVICES SYSTEM.

11 (6) (a) SUBJECT TO THE AVAILABILITY OF RESERVE CAPACITY  
12 ENROLLMENT, A PERSON WITH AN INTELLECTUAL AND DEVELOPMENTAL  
13 DISABILITY WHO IS ON THE WAITING LIST FOR SERVICES AND WHO IS AT  
14 RISK OF EXPERIENCING AN EMERGENCY DUE TO ANY OF THE CRITERIA  
15 INCLUDED IN SUBSECTION (6)(b) OF THIS SECTION AND WHO MEETS OTHER  
16 APPLICABLE CRITERIA FOR ENROLLMENT ESTABLISHED BY THE STATE  
17 BOARD SHALL BE OFFERED ENROLLMENT INTO THE HOME- AND  
18 COMMUNITY-BASED SERVICES DEVELOPMENTAL DISABILITIES WAIVER  
19 USING A PERSON-CENTERED TRANSITION PROCESS.

20 (b) NO LATER THAN JUNE 1, 2019, THE STATE BOARD SHALL  
21 PROMULGATE RULES REGARDING THE CRITERIA FOR RESERVE CAPACITY  
22 ENROLLMENTS FOR THOSE PERSONS DESCRIBED IN SUBSECTION (6)(a) OF  
23 THIS SECTION, WHICH CRITERIA MUST INCLUDE BUT IS NOT LIMITED TO:

24 (I) THE AGE OF THE CUSTODIAL PARENT OR CUSTODIAL  
25 CAREGIVER;

26 (II) LOSS OF THE CUSTODIAL PARENT OR CUSTODIAL CAREGIVER;

27 (III) INCAPACITATION OF THE CUSTODIAL PARENT OR CUSTODIAL

1 CAREGIVER;

2 (IV) ANY LIFE THREATENING OR SERIOUS PERSISTENT ILLNESS OF  
3 THE CUSTODIAL PARENT OR CUSTODIAL CAREGIVER; AND

4 (V) A THREAT TO HEALTH OR SAFETY THAT THE CUSTODIAL  
5 PARENT OR CUSTODIAL CAREGIVER PLACES ON THE PERSON WITH  
6 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES.

7 (7) THE GENERAL ASSEMBLY SHALL APPROPRIATE FUNDING FOR  
8 THREE HUNDRED NONEMERGENCY ENROLLMENTS FROM THE WAITING LIST  
9 FOR THE HOME- AND COMMUNITY-BASED SERVICES DEVELOPMENTAL  
10 DISABILITIES WAIVER.

11 (8) BEGINNING IN JULY 2018, AND EACH MONTH THEREAFTER, THE  
12 STATE DEPARTMENT SHALL INCLUDE IN ITS MONTHLY PREMIUMS,  
13 EXPENDITURES, AND CASELOAD REPORT THE NUMBER OF PERSONS WHO  
14 WERE MOVED OFF THE DEVELOPMENTAL DISABILITIES WAITING LIST.

15 **SECTION 4. Safety clause.** The general assembly hereby finds,  
16 determines, and declares that this act is necessary for the immediate  
17 preservation of the public peace, health, and safety.

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

DRAFT  
3.9.18

DRAFT

LLS NO. 18-1088.01 Brita Darling x2241

COMMITTEE BILL

Joint Budget Committee

**BILL TOPIC:** "Tony Grampsas Participation Sectarian Schools"

**A BILL FOR AN ACT**

101      **CONCERNING THE REMOVAL OF LANGUAGE THAT PROHIBITS**  
102                    **SECTARIAN SECONDARY SCHOOLS FROM APPLYING FOR GRANTS**  
103                    **THROUGH THE TONY GRAMPSAS YOUTH SERVICES PROGRAM.**

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)*

**Joint Budget Committee.** The bill removes language from the Tony Grampsas youth services program (program) that prohibits a sectarian secondary school from applying for grants through the program and makes a conforming amendment relating to activities of the Tony Grampsas youth services board.

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

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*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, 26-6.8-101, **amend** the introductory portion and (2) as follows:

**26-6.8-101. Definitions.** As used in this ~~article~~ ARTICLE 6.8, unless the context otherwise requires:

(2) "Entity" means a local government, a Colorado public or ~~nonsectarian~~ NONPUBLIC secondary school, a group of public or ~~nonsectarian~~ NONPUBLIC secondary schools, a school district or group of school districts, a board of cooperative services, an institution of higher education, the Colorado National Guard, a state agency, a state-operated program, or a private nonprofit or not-for-profit community-based organization.

**SECTION 2.** In Colorado Revised Statutes, 26-1-111.3, **amend** (5)(a) as follows:

**26-1-111.3. Activities of the state department under the supervision of the executive director - Colorado state youth development plan - creation - definitions.** (5) As used in this section, unless the context otherwise requires:

(a) "Entity" means any local government, state public or ~~nonsectarian~~ NONPUBLIC secondary school, charter school, group of public or ~~nonsectarian~~ NONPUBLIC secondary schools, school district or group of school districts, board of cooperative services, state institution of higher education, the Colorado National Guard, state agency, state-operated program, private nonprofit organization, or nonprofit community-based organization.

**SECTION 3. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the  
2 ninety-day period after final adjournment of the general assembly (August  
3 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a  
4 referendum petition is filed pursuant to section 1 (3) of article V of the  
5 state constitution against this act or an item, section, or part of this act  
6 within such period, then the act, item, section, or part will not take effect  
7 unless approved by the people at the general election to be held in  
8 November 2018 and, in such case, will take effect on the date of the  
9 official declaration of the vote thereon by the governor.

# MEMORANDUM



## JOINT BUDGET COMMITTEE

TO Members of the Joint Budget Committee  
FROM Robin J. Smart, JBC Staff (303-866-4955)  
DATE March 13, 2018  
SUBJECT Transition from Part B of the Individuals with Disabilities Education Act to Adult Services for People with Intellectual and Developmental Disabilities (#45)

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The Department of Education (CDE) supervises the administration by school districts of Part B of the federal Individuals with Disabilities Education Act (IDEA) for children with disabilities ages 3 to 21 years. This act ensures that children with disabilities have a free and appropriate public education to prepare them for further education, employment, and independent living. The Department of Health Care Policy and Financing (HCPF) supervises the administration by Community Centered Boards or the Department of Human Services of the three Home and Community Based Services (HCBS) waiver programs that provide services to adult (over age 21) individuals with intellectual and development disabilities (IDD). These waiver services are intended to provide additional supports to individuals to allow them to remain living in the community of his or her choice. The proposed legislation provides an opportunity to begin addressing two challenges that exist in the IDD system:

- 1) The inability to determine the actual number of adult individuals with IDD in the state who need HCBS waiver services or will require them in the future; and
- 2) The need to improve the transition between Part B of IDEA and the adult IDD system.

Joint Budget Committee staff recommends that language concerning the following be included in the bill:

- Require representatives of stakeholder organizations, including CDE, HCPF, school districts, community providers, and Community Centered Boards (CCBs), to meet during the interim to develop a process through which:
  - Statutorily defined disability categories in education and service and support categories in the HCBS waiver programs can be aligned;
  - Agencies that provide community-based case management can be involved in transition planning in order to
    - Improve parents' understanding of the role of the school district and the community providers in serving their child in the future.
    - Ensure a gradual transition between the school district and case managers by fostering relationships between the case managers and the parents earlier in the process.
    - Determine how Individual Education Plans (IEP) can be used to inform the services and supports plan to be used once the student has transitioned into the adult system.
  - Data, that does not identify the students, from IEPs can be utilized as a means through which service gaps in local communities and CCB regions can be identified.
  - Aggregate data on the annual count of the number of IDD students who are enrolled in 12<sup>th</sup> grade or receiving post high school transition services can be provided by CDE to HCPF in order to forecast the number of individuals who may require IDD HCBS waiver services in the future. (Depending on the specific requirements, this may not require legislation.)
  - Aggregate data on the services and supports identified prior to transition can be used to project future costs in the adult system.

# MEMORANDUM



## JOINT BUDGET COMMITTEE

TO Members of the Joint Budget Committee  
FROM Robin J. Smart, JBC Staff (303-866-4955)  
DATE March 8, 2018  
SUBJECT SMART Act, Potential Legislation

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The State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act (Section 2-7-201 through 205, C.R.S.) defines a philosophy for the management of state agencies that includes an employee focus on taxpayer and customer service with the goal of achieving operational excellence. The SMART Government Act calls for integrating measures for evaluating the performance of state departments into the formal state planning process and utilizing the annual budget process as a part of the performance management system to incentivize continuous process improvement.

### **SUGGESTED CHANGES TO THE SMART GOVERNMENT ACT**

- Require that the chair of each Joint Committee of Reference (JCOR) assign a committee member to serve as a liaison to communicate to the Joint Budget Committee (JBC) any input, concerns, or comments regarding preparation of the Long Bill. The JCOR liaison is encouraged to attend the JBC briefings and department hearings for the departments for which the liaison is responsible.
- Maintain the language requiring the chair of the JBC to assign one member of the committee to serve as a liaison for each department to each JCOR; but strike the language requiring the JBC liaison to inform the JCOR regarding the department's performance management system and performance plan (found in Section 2-7-203 (b), C.R.S.), because the department is required to provide that information at its own hearing before the JCOR. Instead, require that the JBC liaison communicate input, concerns, and information relevant to the Governor's annual budget request to the JCOR liaison (see next bullet).
  - Currently, statute does not require members of the JCOR or the JBC to provide input to the budget process. However, it does require the JBC to inform the JCOR regarding the department's performance management system and performance plan. In addition, Joint Rule 25(d) requires the following: Prior to the 13<sup>th</sup> legislative day, the committee members shall be available to provide the respective committees of reference with assistance and to explain any Joint Budget Committee responses or recommendations regarding department hearings before the Joint Budget Committee. After receiving any assistance and explanation from the Joint Budget Committee members, the chairmen of the committees of reference shall communicate any concerns or comments regarding preparation of the Long Bill to the Joint Budget Committees members of that house. (Please see suggested changes to Joint Rule 25(d) in the next section of this memorandum.)
- Require that by January 15<sup>th</sup> of each year, the JCOR will communicate in writing to the JBC: the JCOR's strategic goals and directions for each department; recommendations concerning the disposition of each departmental decision item; recommended appropriations or changes for each departmental decision item; appropriations for programs funded through Long Bill line items; and future year funding concerns and directions.
- Require that the recommendations made to the JBC by the JCOR be used as the basis for the discussion that will take place during the JCOR/JBC hearings scheduled pursuant to Joint Rule 25(d). The joint meetings shall be chaired by the liaisons of the JBC and JCOR.

- Require each department to discuss each annual budget request submitted to the General Assembly during its required SMART Act hearing before the JCOR, including information presented or to be presented to the JBC during the JBC briefing and hearing process.
- Require that the JBC take under consideration the recommendations and information obtained through the discussion with the JCOR liaison and during the JCOR/JBC hearings scheduled pursuant to Joint Rule 25(d) when making decisions related to the annual Long Appropriations Bill. During the presentation of the budget to the General Assembly, the JBC members will inform the members of the General Assembly whether or not the JCOR recommendations have been taken.

#### **SUGGESTED CHANGES TO JOINT RULE 25(D)**

Prior to the 13<sup>th</sup> legislative day, the Joint Budget Committee members shall be available to ~~provide DISCUSS WITH the respective committees with assistance and to explain any Joint Budget Committee responses or recommendations regarding hearings before the Joint Budget Committee of~~ ANY RELEVANT INFORMATION AND ANALYSES CONCERNING THE GOVERNOR'S ANNUAL BUDGET REQUEST, INCLUDING THAT OBTAINED THROUGH THE JOINT BUDGET COMMITTEE BRIEFING AND DEPARTMENT HEARING PROCESSES FOR all departments of state government that are within the subject-matter jurisdiction of each committee. ~~After receiving any assistance and explanation from the Joint Budget Committee members, the chairmen of the committees shall communicate any concerns or comments regarding preparation of the Long Bill to the Joint Budget Committees members of that house.~~ THE RESPECTIVE COMMITTEES SHALL INFORM THE BUDGET PROCESS BY PROVIDING THE JOINT BUDGET COMMITTEE WITH ANY RELEVANT INFORMATION AND ANALYSES OBTAINED DURING PRESENTATIONS MADE TO THE RESPECTIVE COMMITTEES BY THE DEPARTMENT, THE STATE AUDITOR, AND ANY OTHER ENTITY OF STATE GOVERNMENT AS REQUIRED BY COLORADO REVISED STATUTE.

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#### **CURRENT REQUIREMENTS OF THE SMART GOVERNMENT ACT**

Requirements of the Joint Budget Committee:

- The chair shall assign one member of the committee to serve as a liaison for each department, who will inform the Joint Committee of Reference regarding the department's performance management system and performance plan. (Section 2-7-203 (b), C.R.S.)
  - Prior to the 13<sup>th</sup> legislative day, the committee members shall be available to provide the respective committees of reference with assistance and to explain any Joint Budget Committee responses or recommendations regarding department hearings before the Joint Budget Committee. After receiving any assistance and explanation from the Joint Budget Committee members, the chairmen of the committees of reference shall communicate any concerns or comments regarding preparation of the Long Bill to the Joint Budget Committees members of that house. (Joint Rule 25(d))
- The department will work with the Joint Budget Committee liaison as necessary. (Section 2-7-203 (b), C.R.S.)
- The committee receives a copy of each department's performance plan, which serves as a guide to the department's major functions and as a tool to evaluate performance goals over time. (Section 2-7-204 (3)(a)(I), C.R.S.)



- The committee receives a copy of each department's performance evaluation. (Section 2-7-204 (4), C.R.S.)
- The committee shall consider the departments' legal responsibilities, strategic goals and objectives, performance plans, and performance evaluations during its regular deliberations, and may prioritize the departments' requests for funding that are expressly intended to enhance productivity, improve efficiency, reduce costs, and eliminate waste. (Section 2-7-204 (6), C.R.S.)

Requirements of the Joint Committees of Reference:

- Each committee shall conduct at least one but not more than three department hearings between November 1 and the start of the session. Hearings include a presentation on the department's performance plan, regulatory agenda, and budget request. (Section 2-7-203, C.R.S.)
- The committee receives a copy of each department's performance plan, which serves as a guide to the department's major functions and as a tool to evaluate performance goals over time. (Section 2-7-204 (3)(a)(I), C.R.S.)
- The General Assembly receives a copy of each department's performance evaluation. (Section 2-7-204 (4), C.R.S.)
- The State Auditor presents any SMART Act performance audit and any other relevant report to the appropriate Joint Committee of Reference. (Section 2-7-204 (5)(e), C.R.S.)